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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Third periodic reports of States parties due in 1998

Addendum

Slovakia*

[20 August 1999]

* This document contains the initial, second and third periodic reports submitted in one document, due on 28 May 1994, 1996 and 1998, respectively.

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Introduction

1. Pursuant to the provisions of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination ("Convention" hereinafter), the Slovak Republic - a State party to the aforesaid international legal instrument - is hereby submitting its report on the legislative, judicial, administrative and other measures it has adopted, which give effect to the provisions of this Convention. Based on the recommendation of the Centre for Human Rights (G/SO 237/2 (2) of 15 November 1996) the document represents a joint initial, second and third periodical report of the Slovak Republic. The report was drafted by the Ministry of Foreign Affairs of the Slovak Republic in cooperation with other relevant sectors of the Slovak Republic on the basis of the United Nations manual which formulates recommendations to be taken into account in connection with the content and the form of individual initial reports on international human rights conventions of the United Nations. The drafters of the report also drew on valuable findings of non-governmental organizations (NGOs) active in the Slovak Republic such as Charter 77 Foundation, Slovak Helsinki Committee, Milan Šimečka Foundation and the Slovak Union for Peace and Human Rights.

2. The Convention was signed, on behalf of the former Czechoslovak Socialist Republic, on 7 March 1966 and ratified by the President with reservations on its articles 17 and 22. The instrument of ratification was deposited with the Secretary-General of the United Nations, the depositary of the Convention, on 29 December 1966. In conformity with the provisions of article 19, the Convention entered into force on 4 January 1969 and took effect for the Czechoslovak Socialist Republic as from the same date. The text of the Convention was promulgated by the Notice of Minister of Foreign Affairs of 15 August 1974, published in the Collection of Laws under No. 95 of 1974. As a consequence of the succession into the treaties concluded by the former Czech and Slovak Federal Republic (previously the Czechoslovak Socialist Republic/Czechoslovak Republic), the Slovak Republic became a State party to the Convention on 28 May 1993 with a retroactive effect from 1 January 1993.

3. On 17 March 1995, the Slovak Republic declared, in conformity with article 14, that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in this Convention.

I. GENERAL INFORMATION

4. The Slovak Republic was created on 1 January 1993 on the basis of the Constitutional Statute No. 542/1992 Coll. on the Dissolution of the Czech and Slovak Federal Republic.

5. An extraordinary attention was attached to ensuring the continuity and stability of the legal system of the new Republic which was seen as the basic prerequisite for the stability of State institutions and respect for human rights. The constitutional statutes, laws and other generally binding rules remain in force in the Slovak Republic unless they are in conflict with the Constitution (article 152, paragraph 1, of the Constitution of the Slovak Republic). The legal system of the Slovak Republic has taken over all the fundamental standards guaranteeing democracy, rule of law, human rights and freedoms, including international treaties binding upon the Czech and Slovak Federal Republic as on the date of its dissolution. The Slovak Republic

succeeded to the United Nations human rights conventions - Convention on the Prevention and Punishment of the Crime of Genocide (No. 32/1995 Coll.), International Convention on the Elimination of All Forms of Racial Discrimination (No. 95/1974 Coll.), International Covenant on Economic, Social and Cultural Rights (No. 120/76 Coll.), International Covenant on Civil and Political Rights (No. 20/76 Coll.), Optional Protocol to the International Covenant on Civil and Political Rights (No. 169/1991 Coll.), Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (No. 53/1974 Coll.), International Convention on the Suppression and Punishment of the Crime of Apartheid (No. 116/1976 Coll.), Convention on the Elimination of All Forms of Discrimination against Women (No. 62/1987 Coll.), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (No. 143/1988 Coll.) and Convention on the Rights of the Child (No. 104/1991 Coll.).

6. The Slovak Republic is a State party to a number of international treaties adopted by organizations other than the United Nations. They include also the European Convention for the Protection of Human Rights and Fundamental Freedoms promulgated under No. 209/1992 Coll., whose article 14 enshrines the respect for human rights without discrimination, and the Framework Convention on the Protection of National Minorities which Slovakia was the third member State of the Council of Europe to ratify.

7. Pursuant to article 11 of the Constitution of the Slovak Republic, international instruments on human rights and fundamental freedoms ratified by the Slovak Republic and promulgated under statutory requirements take precedence over national laws provided they guarantee greater constitutional rights and freedoms.

8. Fundamental rights and freedoms in the Slovak Republic are constitutionally protected. The legal system of the Slovak Republic respects equality of all citizens before the law and grants equal protection to all. Article 12, paragraph 2, of the Constitution provides that fundamental rights and freedoms are guaranteed in the Slovak Republic to every person regardless of sex, race, colour, language, faith and religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status. No person can be judged, favoured or discriminated against on any of these grounds. The Constitution respects this fundamental principle in all its provisions which govern individual constitutional rights; it is specifically laid down, for example, in article 33 ("Membership in any national minority or ethnic group may not be used to the detriment of any individual"), article 34, paragraph 1 ("Citizens of national minorities or ethnic groups in the Slovak Republic shall be guaranteed their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethnic group, receive and disseminate information in their mother tongues, form associations, and create and maintain educational and cultural institutions"), article 52, paragraph 2 ("Unless expressly designated only for the citizens of the Slovak Republic, aliens shall enjoy the same fundamental rights and freedoms guaranteed by this Constitution"), article 53 ("The Slovak Republic shall grant asylum to aliens persecuted for the exercise of political rights and freedoms"), etc.

9. As a result of its geographical situation and historical development, Slovakia has a highly diversified ethnic structure of the population. Besides the citizens of Slovak ethnicity, the population of the Slovak Republic consists of persons who identify themselves as belonging to

the Hungarian, Ukrainian, Ruthenian, German, Czech, Polish, Croat, Bulgarian, Roma, Moravian, Silesian, Russian, Greek, Rumanian, Serb and Montenegro national minorities. National minorities living in the territory of the Slovak Republic display a differentiated pattern of the level of their historical development, socio-demographic characteristics, ethnic identity and relations with the majority nation.

10. Slovakia has the highest proportion of Roma population in Europe, both in absolute and relative terms (the number of the Roma living in the country is currently estimated at around 500,000). On 9 April 1991 the Government recognized the status of a national minority for the Roma and adopted the principles of governmental policy towards the Roma, subsequently adapted by individual government ministries in accordance with their tasks.

11. On 4 November 1997 the Government adopted "Policy Objectives of the Slovak Government Aimed at Dealing with the Roma Issue in the Current Social and Economic Context". This policy document outlines both strategic concepts and specific measures to be taken in individual areas - education, culture, employment, social assistance, housing, health and in the prevention of antisocial activities (the solution of problems of the Roma population is specifically addressed under article 2 below).

12. The rights of national minorities in the Slovak Republic are guaranteed in the Constitution of the Slovak Republic, namely through the principle of free choice of the national group to which the person belongs and the prohibition of any form of pressure leading to a denial of a person's original ethnicity (article 12, paragraph 3, of the Constitution). Other guarantees of the legal status of national minorities are laid down in international instruments on human rights and fundamental freedoms ratified by the Slovak Republic and promulgated in the manner fixed by law.

13. The entire Chapter Four of Part One of the Constitution of the Slovak Republic is devoted to the rights of national minorities and ethnic groups. Membership in any national minority or ethnic group may not be used to the detriment of any individual. Citizens of national minorities or ethnic groups in the Slovak Republic are also guaranteed their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethnic group, receive and disseminate information in their mother tongues, form ethnic associations, and create and maintain educational and cultural institutions. In its aforesaid articles 33 and 34 the Constitution of the Slovak Republic declares the rights of national minorities and ethnic groups and "the citizens of national minorities or ethnic groups are guaranteed, under provisions fixed by law, in addition to the right to learn the official language, also the right to be educated in a minority language", and in article 42 "the right to free education in elementary and secondary schools and, depending on the abilities of the individual and the potential of the society, also in institutions of higher education". The aforesaid category of citizens is granted the right to use their minority languages in official communication and the right to take part in the resolution of the issues related to national minorities and ethnic groups.

14. Accession of the Slovak Republic to the Council of Europe and its succession to the European Convention for the Protection of Human Rights and Fundamental Freedoms recognized the jurisdiction of the European Court of Human Rights and of the European Commission on Human Rights in Strasbourg. As a result of the succession to the first Optional

Protocol to the International Covenant on Civil and Political Rights, the jurisdiction of the Human Rights Committee was recognized for acting in the matters involving the protection of rights and freedoms of citizens of the Slovak Republic.

II. IMPLEMENTATION OF INDIVIDUAL ARTICLES OF THE CONVENTION

15. National legislation and the measures adopted in connection with its implementation equally protect the fundamental rights and freedoms of persons of any race or ethnic origin (not only the citizens of the Slovak Republic).

A. Article 2. Policy of eliminating racial discrimination in all its forms and promoting understanding among all races

1. Legislative measures adopted

16. Criminal legislation, in line with the provisions of the Convention and Constitution of the Slovak Republic, provides consistent protection against such serious antisocial phenomena as racism, fascism, xenophobia, anti-Semitism and intolerance. These negative phenomena are punished mainly through the application of the provisions of Penal Code (Act No. 140/1961 Coll. as amended) which set out the elements of criminal offences of violence against a group of inhabitants and individuals, defamation of a nation, race or conviction, incitement to national and racial hatred, genocide, support for and propagation of movements leading to the suppression of the rights and freedoms of citizens, bodily harm, and persecution of persons. Taking account of the degree of culpability and gravity of the criminal offence, perpetrators are liable to punishment in the form of a term of imprisonment whose length is determined in accordance with the rates set out in the Penal Code (e.g. genocide - section 259, paragraph 1, of the Penal Code - term of imprisonment of 12 to 15 years or exceptional punishment; support for or propagation of movements leading to the suppression of rights and freedoms - section 260 - term of imprisonment of 1 to 5 years, or 3-8 years in the presence of aggravating circumstances; public expression of sympathies for fascism or any other similar movement - section 261 - term of imprisonment of 6 months to 3 years). The Government of the Slovak Republic has recently submitted a draft amendment to the Penal Code to the National Council of the Slovak Republic; the draft anticipates harsher punishment for persons who commit the crime of murder because of the victim's race, nationality, political conviction, religion or absence thereof (the proposed length of imprisonment is 12-15 years).

2. Measures implemented in the police force

17. The tasks of the security division of the Ministry of the Interior of the Slovak Republic are derived from the Constitution of the Slovak Republic, other laws (Penal Code, Code of Criminal Procedure, Police Corps Act) and other generally binding provisions and internal rules which represent the statutory framework for the work of the police force and of individual members of the Police Corps of the Slovak Republic in the process of detecting, documenting and dealing with the disclosed criminal activities. This principle is respected also in the adoption of internal rules which govern the procedures applied by individual police departments.

Consequently, there is no justification for the police force to follow any other procedure or to change the procedure used to deal with a criminal offender, a suspect or a witness because of his affiliation.

18. Under the legal provisions in force, police authorities are obliged to take any information, submission, complaint or petition from any citizen regardless of his nationality, ethnicity, race or conviction.

3. Measures in the field of education, instruction and the school system

19. In addition to the Constitution of the Slovak Republic, education of national minorities is provided for also under the School Act (No. 29/1984 Coll. on the system of elementary and secondary school as amended).

20. Education and instruction of children belonging to the Hungarian, Ukrainian, Ruthenian, Bulgarian, German and Roma national minorities in the Slovak Republic is provided in the schools using, as a language of instruction, a national minority language or the Slovak language, depending on the free choice of parents and/or legal guardians. These schools form a part of the system of education in the Slovak Republic and are funded from the State budget. Besides State schools it is also possible to open a private or parochial school under specific legal acts. Citizens of the Slovak Republic belonging to national minorities thus can, in the field of education and instruction, receive education in their mother tongues (in pre-school facilities, in elementary and secondary schools, with the exception of secondary military schools).

21. Children belonging to national minorities in the Slovak Republic receive education and instruction in the areas where the given national minority traditionally lives. These areas are not restricted or precisely delineated, and are determined by the ethnic structure of the population and by the respect of the right to freely choose the teaching language of the school by the parent and/or the legal guardian of the child.

22. Equality between the content and extent of the knowledge acquired by the pupils of schools which provide instruction in a minority language and the pupils of schools which provide instruction in the Slovak language is ensured by means of basic educational documents (curricula, syllabi, textbooks). These, except for certain specific subjects, are basically identical in all the schools including those which provide instruction in a minority language. The syllabi of the schools which provide instruction in a minority language are identical, with the obvious exception of the subjects of mother tongue and literature of the national minority, including the textbooks for these subjects.

4. Measures in the social field

23. The legislation in force as well as the proposed legislation governing the implementation of economic and social rights is in harmony with the undertakings given by the Slovak Republic upon ratification of international conventions. The right to a basic living standard is guaranteed to any person regardless of race, national or ethnic origin.

24. Considerable emphasis in this field is laid on social prevention (Concept of Social Prevention, draft law on social assistance), which aims at preventing, in a comprehensive manner, the emergence of causes for and the spreading of socio-pathological phenomena, i.e. including those of racism, anti-Semitism, xenophobia and intolerance.

25. An increased attention is devoted to dealing with the problems of persons who are in a situation of social neediness, i.e. persons who temporarily experience or who live in an exceptionally difficult situation, especially as a result of a backward way of life, low cultural standard, etc. The creation of the Office of Government's Commissioner for Dealing with the Problems of Citizens Requiring Assistance was one of the important systemic steps taken by the Government as a demonstration of the attitude of the Slovak Republic to the problem in question. The Government's Commissioner for Dealing with Roma Minority Affairs was appointed on 1 March 1999. Urgent problems and the most significant issues are addressed through the implementation of annually updated tasks and measures, designed to deal with the problems of this group of citizens in good will and with a determination to apply the civil principle and to respect divergent value orientations and the way of life of the recipients of the assistance.

5. Measures in the armed forces

26. According to the Constitution of the Slovak Republic, the defence of the Slovak Republic is the honourable privilege and duty of every citizen (art. 25, para. 1). No person may be forced to perform military duties if it is contrary to his conscience or religious faith or conviction (art. 25, para. 2). Act of the National Council of the Slovak Republic ("NC SR" hereinafter) No. 207/1995 Coll. on Civilian Service enables male citizens to perform a civilian service.

27. Article 54 of the Constitution provides that the law may restrict civil rights of members of the armed forces and of armed corps (the rights to strike, to petition, of assembly and association within political parties). Sections 5, 6 and 7 of the Military Service Act No. 370/1997 Coll. specifically restricts certain constitutional rights of members of the military (right to petition, to join political parties, to strike).

28. Section 139, paragraph 1 (h), of the above Act stipulates: "every soldier has the right to the protection of his human dignity in official and private contacts with the official authority, with superior members of the military and with other soldiers". Also, section 74, paragraph 3, of the Act stipulates that "it shall be prohibited to issue a military order which is in conflict with the Constitution of the Slovak Republic, constitutional statutes, laws, other generally binding legal acts and internal rules".

29. The Military Service Act respects the Constitution of the Slovak Republic which guarantees citizens the protection of their human dignity, personal honour and fundamental rights and freedoms, and the right of everyone to judicial and other legal protection regardless of sex, race, colour, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, or property, birth or other status. A member of the armed forces takes his oath of military service in conformity with section 5 of Act No. 351/1997 Coll. (Defence Act); among other things he pledges to respect the Constitution, the laws, generally binding legal acts and military rules.

30. The scope of disciplinary powers of official authorities and superior members of the military is explicitly set out in the Basic Rules of the Armed Forces of the Slovak Republic whose individual sections emphasize the protection of personality of a soldier - article 40 on "General obligations of the commanders" thus states, among other things, that the commanders are responsible for the "observation of legal regulations in force, respect for the rights and legitimate interests of the soldiers, human rights and freedoms".

6. Addressing the problems of the Roma population in the Slovak Republic

31. The Principles of the Government's Roma Policy ("the Principles" hereinafter) were adopted by Government's Resolution No. 153/1991 of 9 April 1991. As regards the legal status of the Roma as an ethnic community, the Principles recognize their equal status with other minorities living in Slovakia, i.e. the Roma are recognized as a national minority.

32. The issue of the development of the Roma community as a national minority, and of the level of their ethnic consciousness, does not stem from the problem of their recognition as a national minority under the law. The problems of this minority are related especially to its internal search for its own ethnic identity, to the possibilities of its assertion in the fields of culture and education, and to its ethnic self-identification. An example to this effect is provided by the latest census in which the number of Roma who identified themselves as having a Romany ethnic origin was 75,802 (Statistical Office of the Slovak Republic, 1991). Yet, different professional estimates give the number of persons of Romany ethnic origin who were living in the Slovak Republic as of 1 January 1995 at 300,000-500,000 persons.

Roma education and instruction

33. In the 1996/97 school year, 56 preparatory ("zero grade") classes were set up at elementary schools for 688 six-year-old children and in the 1997/98 school year, 91 preparatory classes were opened for 1,250 six-year-old children coming from a linguistically disadvantaged and socially neglected environment. An alternative programme for teaching Roma pupils, in which a special emphasis is laid on improving Slovak language skills, is currently subject to a verification at selected elementary schools of the Košice and Prešov districts.

34. The Ministry of Education of the Slovak Republic creates legislative, organizational and substantive conditions for a specific type of alternative education of Roma children and pupils with a view to improving the educational standard of this ethnic group. This also includes the setting up of preparatory "zero" classes in elementary schools and kindergartens in Roma settlements, and other alternative programmes. The knowledge that has been gradually obtained in the practical education and instruction of Roma children is collected by the methodology centres and sections of the respective departments of education and culture, institutes of the Slovak Academy of Sciences, and by the Club of the Teachers of Roma Children at Košice.

35. The Department of Roma Culture, set up within the Nitra Faculty of Education, is expected to play an important role in the training of teachers for Roma children and to use the empirical experience for dealing with various issues such as: what qualifications should a

successful teacher of Roma children meet, what kind of formal education and what personality traits of the teachers of Roma children are the most important, should the teachers of Roma children be Roma themselves or is this not necessary?

36. At this stage, the problem does not seem to consist in the lack of normative instruments guaranteeing the right to education for the Roma. Instead, it is related to the need to create the necessary economic, linguistic, social, pedagogical and personnel prerequisites to be able to meet certain general and specific demands posed by the education and instruction of Roma children and pupils. Improvements in the education and instruction of Roma children and pupils are essential if other problems of the Roma segment of the society are to be successfully resolved. By means of targeted education and adequate instruction at schools, foundations are laid for a gradual change in their system of values and, at the same time, for a successful eradication of social, cultural, economic and societal problems.

37. The comparison of the content, forms, and methods of education and instruction provided in the past and at present, as well as concrete pragmatic data on the process of education and instruction currently provided within the school system make it possible to conclude that no segregation exists in the education of Roma children and pupils. It is provided in the overall context of State social policy which treats all citizens as equals; the programme of education and instruction of Roma children and pupils respects their ethnic, cultural and social characteristics by means of correspondingly adapting the content, forms and methods of education of these children and pupils. The quality of training of the teachers of Roma children has been further improved by the introduction of extension and post-graduate studies at the Roma Culture Department (Nitra), and of specialized study offered to the teachers of Roma children at the Methodology Centre at Prešov.

38. In 1996 and 1997, no kindergarten in a locality having a higher concentration of Roma (Levoča, Dobšiná, Lomnička, Toporec, Bystrany, Krásnohorské Podhradie, Rožňava, Muránska Dlhá Lúka and Kameňany) was closed.

39. The Ministry of Education, Ministry of the Interior and Ministry of Labour, Social Affairs and Family of the Slovak Republic developed programmes for potentially endangered children and young people coming from an insufficiently stimulating environment, such as:

National Drug Control Programme,

Proposal of Measures to Counter the Emerging Drug Epidemics in Bratislava,

Proposal of Measures to Counter the Emerging Drug Epidemics in Bratislava,

Project of Youth Crime Prevention for the Towns of Banská Bystrica, Preividza,

Lučenec, Senica and Trenčín,

"Peer programmes" - the groups of peers influencing the risk population.

40. The Ministry of Education attaches special attention to the education and instruction of Roma children and pupils, especially after the approval of the "Principles of the Government's Roma Policy and Their Adoption by the Sectors of Education, Youth and Sports, Culture, Labour and Social Affairs, and Finances" (Resolution of the Government of the Slovak Republic No. 153/1991). In accordance with the Principles, the sector of education has focused its attention on the development of education and instruction programmes for elementary schools; the content, forms and methods of these programmes take into account specific characteristics of Roma pupils with a view to dealing with the long-term problem of their poor school performance and the resulting negative consequences.

41. Starting in the 1996/97 school year, preparatory classes were opened in selected regions of Slovakia having high concentrations of Roma, in accordance with the possibilities of the districts, for children coming from a disadvantaged and neglected environment; to help overcome the language barrier, the Roma language was used in these classes as a support and auxiliary language. At its 17 August 1995 session the Board of the Ministry of Education chaired by the Minister approved the "Final Evaluation of an Experimental Introduction of Preparatory Elementary School Classes for Roma Children Coming from a Disadvantaged Family Environment".

42. An "Alternative Programme for Teaching Roma Children with Special Emphasis on Improving Their Slovak Language Skills", starting at the third year of elementary schools, was experimentally launched on 1 September 1996.

43. In 1995 the Ministry of Education approved and secured the publication of the textbook "Amari Alphabet - Our Alphabet" in the Roma and Slovak languages for the third and fourth grades of elementary schools; the number of copies was 10,000 and the costs amounted to 570,923 SKK.

44. Since the 1997/98 school year, Roma girls can receive training for working in pre-school establishments in a class set up for this purpose at the Secondary Teachers' Training School at Levoča.

45. The Ministry of Education approved, effective from 1 September 1998 and starting with the first grade, basic pedagogical documents for an experimental course - 3686 0 - Construction - at apprentice-training schools. This experimental course includes painting, tinsmithing and joinery professions. It is designed for the boys who come from a socially neglected and insufficiently stimulating environment (the admission is conditional on the completion of the age of 15 years) who attend lower grades of elementary schools and do not have the necessary aptitudes to complete these schools. The training lasts three years. Its completion and the qualifications acquired are attested as follows:

(a) Upon a successful completion of the first grade, the pupil obtains

(i) An entry into the school report card confirming that he completed the compulsory school attendance;

(ii) A document certifying "trained for simple operations in the construction industry";

(b) Upon a successful completion of the second grade, the pupil obtains a document certifying "received the training for simple work and operations in the construction industry, with specific orientation to painting professions, or tinsmithing professions, or joinery professions";

(c) Upon a successful completion of the third grade, the pupil obtains a document certifying "completed the training for work and operations in the construction industry, with specific orientation to the painting, [or tinsmithing or joinery] profession".

46. The Ministry of Education has provided organizational support for the pilot project of the Educational Centre for the Development of the Roma National Minority, designed for the children in the Košice region and carried out by the Secondary School of Art in Košice. Under the project, two courses were opened for Roma pupils - the play on folk music instruments, and a music and drama course.

47. Two-year apprentice-training establishments, which follow specifically adapted curricula, offer expanded opportunities for receiving vocational training in various professions demanded by the labour market. In 1998/99 the number of these establishments was increased by 10 compared with the previous year. Seventeen newly opened courses were introduced into the network of apprentice-training establishments.

48. In 1998, the Ministry of Education had an "Analysis of School Failures of Pupils Coming from a Linguistically Disadvantaged and Neglected Environment" prepared by its Institute for Educational Information and Forecasts.

49. When dealing with the problems of school attendance, school failures and school avoidance by Roma children, the need for a more effective and coordinated cooperation between all institutions and sectors at the national, regional and local levels becomes apparent. Education and instruction are among the main pillars of the development of the society, and school attendance of Roma children is therefore an issue for the society as a whole. The education sector makes every effort to prevent segregation of the process of education and instruction of Roma children. The attainment of the goal of improving their educational level requires, above all, the deployment of all the existing capabilities, entities and institutions from the different sectors, with effective participation by the Roma themselves, in the overall context of the social policy of the State designed for all its citizens, so as to ensure that their coordinated approach has a synergetic effect.

50. In March 1999, the Board of the Ministry of Education approved the preparation of and organizational support for an international professional seminar on "The Development of Education and Instruction of Children and Young Persons Coming from a Socially Disadvantaged Environment Including Their Integration into the Civil Society". The seminar will be held from 23 to 25 September 1999 at Rimavská Sobota. The seminar, both in terms of its content and its purpose, will follow up on the 1996 and 1997 activities of the Council of Europe and the Ministry of Education, i.e. on the "Alternative Adaptation and Educational

Process of Disadvantaged Children and Youth to Family and Social Life" (Kremnica, 1996) and "Education and Instruction of Children and Pupils Coming from a Socially Disadvantaged and Neglected Environment" (Prešov, 1997), with the participation of the Ministry of Education, the Ministry of Labour, Social Affairs and Family, self-government authorities, non-governmental organizations from Slovakia and the Netherlands, Churches, Roma cultural and social organizations, UNICEF, and representatives of the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups. The school sector was represented by teachers at kindergartens and elementary schools from the areas having a high concentration of Roma children and special schools, managers and experts on teaching methods and representatives of the State Pedagogical Institute, the Research Institute of Child Psychology and Pathopsychology, and educational and psychological counselling agencies.

51. The main purpose of the above-mentioned seminar will be the search for a comprehensive solution to the current problems by means of exchanging knowledge on and experience with education and instruction of children, pupils and young people coming from a socially disadvantaged and neglected environment, at the international and regional levels. The comprehensive solution, together with the assessment of individual programmes, methods and actions carried out in the education sector, will serve as a basis for the formulation of policy objectives in the area of education and instruction of Roma children. These objectives will become, in harmony with the approved document "Activities of the Ministry of Education of the Slovak Republic Aimed at the Implementation of the Slovak Government's Programme", a part of "Policy Objectives for the Development of Education and Instruction in the Next 15 to 20 Years".

52. Job clubs have been established within individual employment offices. They target unemployed young persons aged 15 to 18 who complete elementary school and receive no further vocational training in the school system. Various educational programmes for these young people are aimed at training them for their insertion into the labour market and at enabling them to acquire the skills necessary to perform certain less-demanding professions. An individual approach is applied in order to take account of their interests and abilities, and comprehensive counselling services are provided. The "Road to a Profession" programme for this purpose is available at every employment office.

53. With the help of the system of social curators, 7,667 children and 9,799 juveniles with behavioural problems were provided social care. Institutional care was arranged for 1,078 children. Field social workers report that educational measures were imposed on 7,919 families. Counselling was provided, in connection with other serious reasons, to 42,394 families.

54. The courses on care for children coming from an insufficiently stimulating family environment have been included into the curricula and syllabi of several faculties of education, namely the Faculty of Education of Constantine the Philosopher University in Nitra, faculties of education in Prešov and Banská Bystrica, and the Faculty of Education of Comenius University in Bratislava.

55. Education and instruction of convicts is secured by means of literacy courses. In the correctional institution of Leopoldov, the convicts can take a three-year course to acquire qualification in the field of electromechanics; 28 convicts have been assigned to the course this year.

56. Various courses offered in the districts of the Prešov region and in the Martin and Nové Zámky districts are focusing on lifestyle (courses on cooking, sewing, household management, basic household chores).

57. Besides adult education courses on planned parenthood and contraception, the topics of sexual education, partner relationships, education for family life, household management, education for parenthood were included in the selected subjects of elementary and secondary school curricula. In extracurricular education, discussions are held with sexologists, psychologists and gynaecologists on safe sex and HIV prevention.

58. The chief hygiene officer of the Slovak Republic, in conjunction with the regional and district hygiene officers, conducted a project on "Schools That Promote Health" in the areas with an increased concentration of the population requiring special assistance, especially in the regions of Banská Bystrica, Prešov and Košice. The project comprised 24 professional courses for training elementary and secondary school teachers, taught by the workers of the Bratislava-based National Health Promotion Centre.

59. The Slovak Society for Planned Parenthood and Education towards Parenthood developed a project on "Health Education and Socio-Psychological Preparation of Roma Youth for Responsible Partnership, Marriage and Parenthood".

60. Constantine the Philosopher University in Nitra established its regional branches at Spišská Nová Ves and Rimavská Sobota with the aim of training educational and social workers in the regions having a high concentration of persons requiring special assistance.

61. The teaching staff of elementary schools received training designed to improve their work and to acquire interactive skills. The training was conducted under the supervision of the Methods Department of Košice I School Administration Authority. This training programme is provided in the locations of Košice, Spišská Nová Ves, Rimavská Sobota, Rožňava and Stará Ľubovňa.

Roma minority culture

62. The development of the Roma minority culture and mother tongue is promoted in the Slovak Republic through Roma civil associations, 60 of which are registered in Slovakia. The culture of national minorities is funded at three levels:

(a) In the form of a specific-purpose grant from the Ministry of Culture of the Slovak Republic, earmarked for the development of minority cultures, specifically for cultural activities and the publication of periodical and non-periodical literature. Under the State Budget Act of NC SR No. 63/1999 Coll., the amount of 50 million SKK has been allocated in 1999 to finance cultural development of all national minorities;

(b) In the form of financing cultural organizations of national minorities from State contributions to individual organizations granted through the Ministry of Culture and regional authorities (the Košice Regional Authority - contribution for the ROMATHAN Theatre),

(c) In the form of activities promoting the culture of national minorities, conducted by organizations partly financed from the State budget and operating under the competence of regional authorities (museums, art galleries, libraries, public education centres).

63. A professional (19-member) commission was established within the Minority Culture Section of the Ministry of Culture to allocate specific-purpose funds assigned to the Ministry of Culture from the State budget (50 million SKK); its members include representatives of national minorities and ethnic groups. The competencies of this professional commission include the right to form subcommissions. The subcommissions, created along national minority lines, currently assess the projects for the development of individual minority cultures and decide on the amount of the funds earmarked for individual selected projects. The amount of funds proposed by the subcommissions is then reviewed by the professional commission which, where necessary, adjusts it in conformity with the quality and importance of the project and submits it for approval to the Minister of Culture. The subcommissions also include a seven-member Roma national minority subcommission. In 1999, the Ministry of Culture granted 17 of the 25 applications for financial assistance to the funding of cultural activities it received from civil associations.

64. The Ministry of Culture contributes to financing periodical and non-periodical literature published for persons who belong to the Roma national minority. Six Roma entities applied for a State contribution for the publication of periodical and non-periodical literature in 1999. Six periodicals are issued at present. There are five publishers of non-periodical literature designed for persons belonging to the Roma national minority. The Ministry of Culture has provided financial assistance to six periodicals and to two publishing organizations for the preparation of two publications.

65. The following entities take part in the development of Roma culture: professional Roma theatre ROMATHAN in Košice, Slovak Geography and History Museum at Humenné, Gemer-Malohont Museum, regional cultural centres, public education centres, district and regional libraries, civil associations, Roma culture centres, the NGO sector and the publishers of periodical Roma literature.

66. Radio broadcasting for the Roma national minority is secured by the Department of National Minority and Ethnic Broadcasting of the Slovak Radio in Prešov. The Roma minority broadcast is allocated a 30-minute/week airtime on Radio Regina. It has the form of a variety programme, designed specially for the East Slovak region. During the summer months, Slovakia 1 Radio Station broadcasts a 30-minute music and word programme every week. A 30-minute monthly TV programme is broadcast under the name "Romale". Twelve of these national minority TV programmes, prepared by the Košice, Banská Bystrica and Bratislava studios, have been broadcast so far. Slovak Television 1 broadcasts a biweekly spiritual Roma cycle, "God's Children", prepared by the Department for Spiritual Life in Bratislava.

Employment of persons requiring special assistance, in particular the Roma

67. Employment offices have cooperated with the self-government authorities of towns and villages especially in the following regions:

- Those with the highest concentration of persons requiring special assistance, with special focus on employment projects for registered long-term unemployed - e.g. the District Employment Office of Spišská Nová Ves - project of integral development of the region;

- Those with a high concentration of Roma citizens - e.g. District Labour Offices at Vranov nad Topľou, Prešov, Poprad, Lučenec, Svidník, Košice, Rimavská Sobota, Stará Ľubovňa, Michalovce, Humenné, Greater Košice and Martin - projects of publicly beneficial jobs.

Labour offices in the above districts are providing counselling services in the area of vocational guidance and job search.

68. Cooperation between labour offices and Roma activists in dealing with the problem of unemployment led to the employment of 50 young persons in publicly beneficial jobs in Martin, with active assistance of the Roma Civil Initiative. Labour offices organized retraining courses aimed at vocational training of juveniles; out of 468 Roma who participated in the courses, 76 did not complete them because of attendance problems.

69. In 1997, the Centre for Folk Art Products organized eight retraining courses whose participants received certificates.

70. During 1996:

(a) 33,753 publicly beneficial jobs were created - the average monthly number of persons performing publicly beneficial work was 26,332, of whom 3,324 were persons requiring special assistance, including Roma;

(b) 22,685 socially purposeful jobs were created - the average monthly number of persons performing socially purposeful work was 106,315, of whom 580 were persons requiring special assistance, including Roma.

71. Since 1 January 1997 when the Act of NC SR No. 387/1996 Coll. took effect, active labour market policy has been implemented in this field through two legal systems:

(a) Fulfilment of the commitments given under agreements concluded before 1996. As regards publicly beneficial jobs, an average of 4,784 such jobs were created a month throughout 1997, and the average monthly number of persons performing these jobs was 4,309. In 1998, an average of three such jobs were created a month, and the average monthly number of persons performing them was two. In 1997, an average of 76,407 persons a month performed socially purposeful work; in 1998 their average monthly number was 29,661;

(b) New labour market activities resulting from agreements concluded in 1997 and in the subsequent years. In 1997, the National Labour Office provided financial contribution for the creation of a monthly average of 31,794 "agreed job positions" (a new concept under the Employment Act of NC SR No. 387/1996 Coll.); in 1998 the contribution was provided for an average of 28,376 agreed job positions a month.

Housing of persons requiring special assistance

72. The Ministry of Construction and Public Works of the Slovak Republic, working in concert with other ministries concerned, prepared the documentation for "Model Designs of Adapted-Standard Detached Houses for Unadjusted Groups of Citizens". The documentation was used in the process of assessment, issuance of building permits, inspection and approval, and in the process of funding. The project was submitted by the districts of Spišská Nová Ves, Svidník, Trebišov, Rožňava and Rimavská Sobota. The funds allocated in 1996 were used for the operation and equipment of eight foster-care establishments, nursing stations for children, and shelters for senior citizens (totalling 9,441,000 SKK).

73. Individual districts drew up the lists of municipalities with Roma settlements, giving data on their size, need for technical infrastructure, and proposed numbers of adapted-standard housing units.

74. Since 1 July 1996 eligible applicants may be granted assistance from the State Housing Development Fund for the construction or reconstruction of Roma settlements.

75. In the framework of the government-approved housing development promotion programme, financial means were allocated in individual years for dealing with the housing and technical infrastructure needs of the citizens living in Roma settlements; in 1997 they amounted to 60 million SKK. By its Resolution No. 126/98 of 24 February 1998, the Government approved a "Development Programme for the Promotion of Housing Construction in 1998" under which a sum of 30 million SKK was allocated for the above-mentioned purpose. The programme included 10 projects for housing and technical infrastructure structures, designed to serve the persons living in Roma settlements, and amounted to a total of 38,312 million SKK. The structures were selected in close cooperation with the Office of the Slovak Government's Commissioner for Dealing with the Problems of Citizens Requiring Special Assistance.

1997			
District	Municipality	Designation of the project	Subsidy amount in thous. SKK
Spišská Nová Ves	Bystrany	Waste water treatment plant - Roma settlement	600.0
Michalovce	Žbince	Gas distribution system for the Roma settlement	740.0
Rožňava	Krásnohorské Podhradie	Water supply system - Roma settlement	1 500.0
Bardejov	Gerlachov	Hygienic protection of housing units	800.0
Stará Ľubovňa	Šarišské Jastrabie	Capture of a spring	500.0
Spišská Nová Ves	Žehra	Increasing the density of transformer stations	500.0

Source: Ministry of the Environment of the Slovak Republic.

1998			
District	Municipality	Designation of the project	Subsidy amount in thous. SKK
Bardejov	Dubinné	Gas distribution system for the Roma settlement	500.0
Snina	Ulič	Sewage system - Part 2	1 500.0
Poprad	Spišský Štiavnik	Water main network	2 000.0
Rožňava	Krásnohorské Podhradie	Water main network - Roma settlement	2 500.0
Spišská Nová Ves	Bystrany	Water main network	150.0
Sabinov	Jarovnice	Liquidation of illegal landfills	1 000.0
Rožňava	Krásnohorské Podhradie	Liquidation of municipal waste in the Roma settlement	43.9

Source: Ministry of the Environment of the Slovak Republic.

Dealing with antisocial activities

76. One of the fundamental tasks is to secure coordinated, flexible and effective inter-ministerial cooperation aimed at the prevention of ill-treatment, sexual abuse and educational neglect of children. Because the detected and registered cases indicate that the number of latent and undisclosed cases may possibly be higher, the competent sectors supported the creation of "the lines of trust" for children and young people in Bratislava, Nitra, Banská Bystrica and Košice. Cooperation in this field was assessed at the seminar on "Ill-treatment and Sexual Abuse of Children" and the conference on "Child in Danger", held under the auspices of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

77. Based on the relevant analyses, the Police Corps has strengthened the public order and crime suppression functions of the police and adopted prevention-oriented measures in the areas marked by an escalation of tensions between the Roma minority and the majority population.

78. Cooperation with the Roma communities also takes the form of the involvement and personal participation of the Roma in the public-order units of the police force and of self-government authorities, aiming at a gradual integration of Roma communities into the society.

79. Adverse developments in the relations between the groups of Romanies and members of the skinhead movement, in particular the killing of skinhead Jaroslav Bahna of Prievidza and of Roma Ján Baláž of Handlová, precipitated the calling of a meeting by the Ministry of the Interior with the representatives of the District Authority at Prievidza (DA), the District Police Corps Directorate at Prievidza (DP CD), the Municipal Authority at Prievidza (MA) and Roma representatives on 23 November 1996. A task was formulated at the meeting to develop a prevention programme for the town of Prievidza, aimed at enhancing public safety and at securing public order. A coordinating team set up to implement the task comprised the representatives of the DA, DP CD, District Labour Office, Prievidza Mayor and Roma community representatives. The preventive programme "Safety of the Inhabitants of Prievidza", developed on the basis of the meetings of the team, deals also with social issues, employment, level of education, use of leisure time, culture, etc. The programme was reviewed by the Slovak Government's Council on the Prevention of Crime and of Other Antisocial Activities on 12 March 1997. The key documents used in the formulation of the prevention programme included the Proposal to Secure Public Order in the Town of Prievidza, submitted in pursuance of the Agreement on Cooperation in Dealing with the Issues of Public Order and the Protection of Municipal and Citizens' Property in the Town of Prievidza, concluded between the municipality of Prievidza and the DP CD of Prievidza in conformity with the Municipal Government Act No. 369/1990 Coll. whose section 19 authorizes the municipalities to set up municipal police, and the Act No. 171/1993 Coll. on the Police Corps of the Slovak Republic. Based on the above documents, the Prievidza DP CD strengthened motorized and foot police patrols, especially after 5 p.m., and reinforced the patrols of critical locations where most serious encounters were taking place, i.e. the housing developments of Zápotôčky, Nové Mesto and Staré Mesto. To prevent the clashes, two-member criminal police patrols were deployed in different parts of the town. Mixed police patrols, composed of Local Police Corps Department (LP CD) officers and those of the municipal police, operated in the critical areas between 5 p.m. and 10 p.m. The General Police Corps Directorate of Prievidza and all LP CDs in the district

paid great attention to all the reports and information submitted by ethnic Roma which the police properly recorded, thoroughly documented and subsequently investigated as required by the situation. Security measures were evaluated on a daily basis. Information filed by the Roma against other citizens was investigated as a matter of priority by the municipal police. During the implementation of the Prevention Programme, the security situation was properly controlled. Improvement in the security situation at Prievidza and its normalization were greatly due also to the fact that the Police Corps used the media to inform the population of the steps taken by the law enforcement bodies against the offenders from the skinhead movement and the Roma who committed criminal offences, and the fact that the offenders were duly prosecuted and convicted. This is one of the factors of preventive influence, especially on the members of the skinhead movement, which suppressed other possible disturbances of public order in the town of Prievidza and in the entire district. No significant encounters between the two groups are taking place at present. There is, however, a tendency to artificially provoke them from the outside. Because the preventive programme "Security of the Inhabitants of Prievidza" fulfilled the expectations, the Slovak Government's Council on the Prevention of Crime and of Other Antisocial Activities decided to distribute this material as a model programme for all regional authorities in the Slovak Republic.

Hygiene and health standard

80. In 1996 the amount of 430,330,000 SKK was allocated for 225 projects designed to improve the environmental protection and situation in Roma settlements (the settlements in question have no drinking water supply, sewage system, household waste collection or sanitary facilities). The projects were carried out in the districts having high concentrations of Roma inhabitants, such as Svidník, Trebišov, Vranov nad Topľou, Rimavská Sobota, Michalovce, Poprad, Rožňava, Spišská Nová Ves, Bardejov and Humenné.

81. In an effort to combat infectious diseases, and considering the incidence of hepatitis B among the Roma population in the East Slovak region, all infants born to Roma mothers in the region receive vaccination against the disease.

Organizational, material and personnel support for the solution of the problems of citizens requiring special assistance

82. Starting on 1 January 1997, the number of field social workers providing social assistance in original social environment increased by 265, especially in the districts of Banská Bystrica, Brezno, Detva, Lučenec, Rimavská Sobota, Zvolen, Prešov, Poprad, Stropkov, Vranov nad Topl'ou, Košice II, Greater Košice, Michalovce, Spišská Nová Ves and Trebišov.

83. Cooperation between non-governmental, charitable and church entities and Roma associations in dealing with serious problems has become more active. Examples of this cooperation include a joint meeting of civil and charitable associations on 18 June 1996 in Bratislava, and the Roma Conference held on 5 and 6 November 1996 in Košice.

84. In the municipalities having higher concentrations of Roma, Romany representatives sit on the commissions set up by municipal councils. The efforts of the towns and villages culminated in the setting up of the Pro Romis association whose constitutive congress was held on 22 March 1996.

85. The Slovak Government's Commissioner for Dealing with Roma Minority Affairs and the staff of his secretariat conducted a series of separate discussions with Roma representatives (e.g. in Košice, Martin, Hlohovec, Sabinov, Vranov nad Topľou and Stará Ľubovňa).

86. The Government's Commissioner convened the meetings of the representatives of all the Roma political parties and civil associations, held on 18 June 1996 in Bratislava and on 4 and 5 September 1996 in Košice, with the participation of the chairman of the Roma Civil Initiative. The objective of the discussions was to explain the aims of the Government in the solution of social problems of the Roma community and the need for a common approach towards improving the situation of this community. The same issues were also dealt with at the All-Slovak Roma Conference held in Košice on 6 November 1996.

87. To improve the training of workers in the social field, a department for training and further education of social workers was set up within the Ministry of Labour, Social Affairs and Family of the Slovak Republic in April 1997.

88. With a view to obtaining information, knowledge and incentives for the development of the system of social education in Slovakia, the PHARE project on "Training of Social Workers" was implemented in Slovakia in 1997.

B. Article 3. Prohibition of racial segregation and apartheid: prevention, prohibition and eradication of all practices of this nature

89. The perception of human rights in the Constitution of the Slovak Republic is based on their irrevocability, inalienability, imprescribability and perpetuality. As mentioned above, fundamental rights and freedoms in the territory of the Slovak Republic are guaranteed to every person regardless of sex, race, colour, language, faith and religion, political affiliation and conviction, national or social origin, belonging to a nationality or ethnic group, property, birth or other status. No person may suffer any detriment, be favoured or disadvantaged on any of the foregoing grounds.

C. Article 4. Prohibition of propaganda and organizations which are based on ideas or theories of superiority of one race and eradication of all incitement to racial discrimination

90. All theories on superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote any form of racial hatred or discrimination are condemned in the Slovak Republic.

1. Undertaking of the State to declare an offence punishable by law all racially motivated acts

91. Any act based on the aforesaid theories of superiority is punishable under the following sections of the Penal Code:

"Violence against a group of persons and against individuals

"Section 196

"(1) Any person who threatens a group of inhabitants with death, bodily harm or large-scale damage shall be liable to a term of imprisonment of up to one year.

"(2) Any person who uses violence against a group of inhabitants or against an individual or threatens them with death, bodily harm or large-scale damage because of their political conviction, nationality, race, religion or because they have no religion shall be liable to a term of imprisonment of up to two years.

"(3) The same punishment as in paragraph 2 shall be imposed also on any person who associates or assembles with others to commit such an offence.

"Defamation of a nation, race or conviction

"Section 198

"(1) Any person, who publicly defames

"(a) any nation, its language or any race, or

"(b) any group of people because of their political conviction, religion or because they have no religion,

shall be liable to a term of imprisonment of up to one year, or to a pecuniary penalty.

"(2) The offender shall be liable to a term of imprisonment of up to three years if he commits the offence referred to in paragraph 1 in association with at least two more persons.

"Incitement to national or racial hatred

"Section 198 a

"(1) Any person, who publicly incites hatred to any nation or race or who incites to the restriction of rights and freedoms of persons belonging to a nation or a race, shall be liable to a term of imprisonment of up to one year, or to a pecuniary penalty.

"(2) The same punishment shall be imposed on any person who associates or assembles with others to commit the offence referred to in paragraph 1.

"Genocide

"Section 259

"(1) Every person who with the intention to destroy, in whole or in part, any national, ethnic, racial or religious group,

"(a) deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part,

"(b) imposes measures intended to prevent births within the group,

"(c) forcibly transfers children of the group to another group, or

"(d) causes serious bodily harm or death to a member of such group,

shall be liable to a term of imprisonment of twelve to fifteen years or to an exceptional punishment.

"(2) The same punishment shall be imposed on every person who participates in the commission of the offence referred to in paragraph 1.

"Support for and propagation of movements leading to the suppression of civil rights and freedoms

"Section 260

"(1) Any person, who supports or makes propaganda for a movement which demonstrably aims at suppressing citizens' rights and freedoms or who professes ethnic, racial, class or religious hatred, shall be liable to a term of imprisonment of one to five years.

"(2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1

"(a) using press, film, radio, television, computer network or other similarly effective means,

"(b) as a member of an organized group, or

"(c) at the time of preparedness for the defence of the country.

"Section 261

"Any person, who publicly demonstrates his sympathies for fascism or similar movements referred to in Section 260 shall be liable to a term of imprisonment of between six months and three years."

92. As seen from the above, criminal legislation of the Slovak Republic provides consistent protection against the acts of racial discrimination.

2. Undertaking of the State to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations as an offence punishable by law

93. Act No. 83/1990 Coll. on Association of Citizens as amended and Act No. 424/1991 Coll. on Association in Political Parties and Political Movements as amended prohibit such associations, political parties and political movements which lead to the suppression of equality of the citizens.

94. Section 4 (a) of the Act on Association of Citizens explicitly prohibits the creation of associations whose aim is to deny or restrict personal, political or other rights of citizens on the grounds of their national origin, sex, race, birth, political affiliation or conviction, religion, faith and social status, to incite hatred and intolerance on these grounds, to foster violence or otherwise violate the laws in force.

95. Section 4 (c) of the Act on Association within Political Parties and Political Movements No. 424/1991 Coll. explicitly prohibits such parties and movements which lead to the suppression of equality of the citizens.

96. It follows from the above that article 4 (b) of the international Convention is fully incorporated into the Constitution of the Slovak Republic and special legal acts quoted above.

97. No civil associations, political parties or political movements whose objectives and programmes are in conflict with the aforesaid provision of article 4 (b) of the International Convention are registered in the Slovak Republic. If a civil association conducts any activities which violate the Constitution of the Slovak Republic, the laws or by-laws, or which restrict personal, political, or other rights of citizens on the grounds of their national origin, sex, race, birth or conviction, etc., the Ministry of the Interior would either turn down the application for the registration of such a civil association or, as the case may be, dissolve it. This decision can be challenged before the Supreme Court of the Slovak Republic. Similar provision is contained in the Act on Association in Political Parties and Political Movements, however, under this Act, the decision on suspending the activities of or dissolving a political party or movement is made by the Supreme Court of the Slovak Republic. Since the Slovak Republic came into existence, no civil association has been dissolved by the decision of the Ministry of the Interior. The same may be said of political parties and political movements. Any breach of the relevant provisions of the Constitution or the Convention results in the instigation of criminal prosecution against

concrete offenders who must be convicted of the commission of an offence, i.e. prosecution can be opened only against specific persons for specific offences they have committed.

3. Undertaking of the State not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination

98. Central and local State administration authorities exercise their competencies in conformity with the Constitution of the Slovak Republic, generally binding legal norms and internal normative acts. When they are deciding about the rights, legally protected interests and obligations of citizens, natural and legal persons, they follow special rules of procedure (Administrative Procedure Code), unless a specific law provides otherwise.

99. Any person who claims to have been denied his rights through decision of a public authority may turn to a court of law to have the legality of the decision reviewed. This means that any person, not only a citizen of the Slovak Republic, is entitled to claim the protection of his rights and legitimate interests in an impartial court, in the manner and using the procedure fixed by law.

D. Article 5. Prohibition and elimination of racial discrimination

100. The legal system of the Slovak Republic does not contain any legal provisions which would, even indirectly, result in or promote discrimination of natural persons or groups of persons, on any ground whatsoever. Just the opposite, the Constitution and individual laws guarantee equality in the field of human rights in conformity with the provisions of the relevant international treaties to which the Slovak Republic is a contracting party.

1. The right to equal treatment before the tribunals and all other organs administering justice

101. Under article 46 of the Constitution any person may claim his right by procedures established by law at an independent and impartial court of law or other public authority of the Slovak Republic in cases specified by law. Any person claiming that he has been denied his rights through a decision made by a public authority may turn to a court of law to have the legality of the decision reviewed. The review of decisions in matters of fundamental rights and freedoms may not, however, be excluded from the jurisdiction of the courts of law. Every person shall have the right to recover damages for a loss caused by an unlawful decision of the court, a governmental or public authority or by improper official procedure.

102. The authorities ensuring protection of human rights include also the Constitutional Court of the Slovak Republic. Its competencies include the review of constitutional complaints and petitions to open proceedings on allegations of the violation of rights. The Constitutional Court of the Slovak Republic reviews the challenges brought against the final decisions of central government authorities, local government authorities and local self-governing bodies in the cases which involve the violation of fundamental rights and freedoms of citizens, unless the protection of such rights falls under the jurisdiction of another court (under Act No. 99/1963 Coll. on Civil Judicial Procedure as amended, the review of certain decisions of administration bodies falls

under the jurisdiction of general courts). In addition to its obligation to commence proceedings (upon a petition submitted by no less than one fifth of all members of the National Council of the Slovak Republic, the President, the Government of the Slovak Republic, any court, the Prosecutor-General, any person whose rights are to be adjudicated on the basis of a constitutional complaint), the Constitutional Court may commence the proceedings also upon a petition submitted by any natural or legal person claiming to have rights violated. In such a case it is thus possible to challenge the violation of the right at the Constitutional Court even if a general court has already decided the case, regardless of the result.

103. The Constitutional Court of the Slovak Republic decides the matters involving the protection of constitutional rights and freedoms upon a complaint brought by an injured party. The Constitutional Court also executes decisions of the international bodies concerning the protection of fundamental rights and freedoms by commencing proceedings, within the meaning of the Optional Protocol, on the basis of a communication from the Human Rights Committee. If the Committee communicates to the Government of the Slovak Republic that a measure, decision or other intervention of any public authority in the Slovak Republic violates a right of the petitioner laid down in the International Covenant on Civil and Political Rights, the Government submits this communication without delay to the Constitutional Court of the Slovak Republic which commences proceedings, following the same procedure as in the case of a complaint.

104. Extrajudicial protection of human rights is carried out by State administration authorities within the boundaries of their decision-making competencies. They decide about the rights, legally protected interests and obligations of natural and legal persons in conformity with general provisions which govern administrative procedure, with the Misdemeanour Act, tax legislation, and other applicable legal provisions. Under the Administrative Proceedings Act, the administration authority (i.e. State administration authority) which decides the case is obliged to accurately and completely establish the facts of the case and to procure the documents necessary for the decision. The party whose rights are concerned by the decision of the administrative authority has the right to challenge the decision of a first-instance authority at its superior authority. If the citizen continues to believe that the decision of an administrative authority has violated his fundamental right or freedom, he may turn to a general court which, in certain cases specified by law, has the jurisdiction to review the decisions of State administration authorities. If no general court has the jurisdiction to review the decision, the citizen may challenge it before the Constitutional Court of the Slovak Republic by filing a constitutional complaint.

105. Any person has the right to refuse to give testimony which might incriminate himself, his relative in direct descent, sibling, adoptive parent, adoptive child, spouse or common-law spouse or other person related to him by family or otherwise whose detriment he would rightfully perceive as his own (article 47 of the Constitution, section 100 of the Code of Criminal Procedure). Any person is also entitled to legal assistance in court proceedings, proceedings before other State authorities or public administration authorities, from the outset of proceedings as provided by law. Under article 47, paragraph 3, of the Constitution, all parties to any proceedings shall be treated equally.

106. Any person who declares that he does not speak the language of the proceedings has the right to an interpreter. "Every person shall have the right to use his mother tongue before the bodies active in criminal proceedings" (section 2, paragraph 14, of the Code of Criminal Procedure).

107. Under article 48 of the Constitution of the Slovak Republic, no one may be taken out of the competence of his lawful judge. Every person has the right to have his case tried publicly without unnecessary delays, to be present at the proceedings, and to comment on any evidence taken.

108. Apart from the national legislation on the protection of human rights and fundamental freedoms, the persons which fall under the jurisdiction of the Slovak Republic have also the right to resort to the system of protection represented by the European Convention for the Protection of Human Rights and Fundamental Freedoms. If the State violates any right of a person guaranteed under the Convention or its Protocols, such a person may, after having exhausted all the domestic legal remedies, turn to the European Court of Human Rights within the time limit of six months from the date of the final decision he challenges.

109. In the period 1994-1997 only 19 of 668 applications filed against the Slovak Republic were admitted for further proceedings. The Slovak Republic is also a State party to the Optional Protocol to the International Covenant on Civil and Political Rights whereby it recognizes the jurisdiction of the United Nations Human Rights Committee to receive and to judge communications received from individuals who complain of the violation of any of their rights laid down in the Covenant.

2. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

110. No racial discrimination was recorded in the Slovak Republic resulting from subjective acts of police officers. It needs to be emphasized that the sources of law mentioned above (the Constitution of the Slovak Republic, Penal Code, Code of Criminal Procedure, Police Corps Act) do not permit unequal treatment of an offender, suspect or witness because of his belonging to a national minority or being an alien. Mention could be made here of the provisions of section 8 of the Police Corps Act of the NC SR No. 171/1993 Coll. as amended which stipulates that a police officer, in the performance of his official duties, is obliged to pay due regard to the honour, dignity of and respect for a person, and that no interference with the rights or freedoms of a person may exceed the level necessary for attaining the purpose of the official action. If it could be theoretically surmised that the subjective intervention of a police officer displayed any signs of racial discrimination against an offender, suspect or witness, any citizen has the legal standing to seek protection of his rights.

111. A very effective control system used in the Police Corps to oversee its work operates independently on individual police officers and police departments; the supervision is carried out by the offices which are directly subordinated to the Minister of the Interior and whose competencies include also the detection of criminal offences or disciplinary misdemeanours committed by police force members. Inspection activities of control offices have not detected

any offences committed on racial grounds to date. Any violation of the provisions of section 8 of the aforesaid Act gives rise to the commencement of the proceedings whereby unlawful conduct, depending on its gravity, is adjudicated either as a disciplinary misdemeanour or a criminal offence. This means that the legislation in force prevents racial discrimination by members of the Police Corps and police force departments, in the execution of their law enforcement duties, against offenders, suspects or witnesses. Such conduct would be in conflict with the objectives and tasks of the Police Corps; no cases of this nature have been recorded in the police practice to date. It should be noted that the most likely context for the manifestations of racial discrimination is the handling of misdemeanour cases, in particular traffic offences and petty offences against civil coexistence and public order within the meaning of Act No. 372/1990 Coll. as amended; conflict situations may lead a police officer or a perpetrator to display his subjective personality traits and may potentially result in an expression of racial intolerance and/or discrimination. However, neither the results of the inspections nor the nature of criminal or disciplinary offences committed by police officers reveal racial discrimination in the work of the police force. It should be reiterated that the legal norms mentioned above prohibit any such conduct and, should it take place, give the injured party the right to seek legal protection.

112. No signs of racial discrimination have been revealed in administrative proceedings which partly fall under the competence of the Police Corps. Police force departments have no substantive or ideological justification to display such conduct. In the practice of the police force, there are certain specific situations where the Police Corps imposes administrative restrictions or sanctions on concrete persons (such as the prohibition to drive a motor vehicle because of a serious violation of road traffic regulations, blockage of a travel document whose holder is subject to criminal prosecution, etc.). All the grounds for applying such sanctions are set out in applicable legal provisions and in no case are they linked to ethnicity or race.

3. Implementation of political rights

(a) The right to participate in elections, to vote and to stand for election, and the right to take part in the conduct of public affairs at any level

113. Under article 30 of the Constitution of the Slovak Republic, citizens have the right to take part in the administration of public affairs directly or by freely elected representatives. The right to vote is universal, equal and direct and is exercised by secret ballot. The terms of the exercise of the right to vote are set out in specific legal acts.

114. No action displaying signs of racial discrimination was reported in connection with the preparations for and the execution of the voting act and/or the vote in a referendum. No finding of this nature has been recorded in the minutes of election authorities at the subdistrict, district or Slovak Election Commission level.

(b) The right to have equal access to public service

115. The key consideration in the selection of civil servants for specific positions is the fulfilment of the professional criteria by the applicant. Any differentiation among the candidates on the basis of their race, colour, religion, political affiliation or other conviction, national or social origin, property, or other status is ruled out.

116. For example, the requirements which a candidate for employment in the police force must meet are laid down in the Act No. 73/1998 Coll. on State Service of Members of the Police Corps, Slovak Intelligence Service, Corps of the Prison and Court Guard of the Slovak Republic and Railway Police. Many Police Corps members belong to national minorities. Although the number of ethnic Roma working in the Police Corps is still rather low, their wider employment in the police force is an open possibility.

4. Implementation of other civil rights

(a) The right to freedom of movement and residence within the borders of the State, the right to leave any country, including one's own, and to return to one's country

117. Freedom of movement and residence is guaranteed in the Slovak Republic under article 23 of the Constitution of the Slovak Republic; it may be restricted by a sentence of banishment from residence for one to five years pursuant to section 57a of the Penal Code, imposed in respect of a serious criminal offence if, considering the way of life of the offender and the place where the criminal offence was committed, this is required in the interest of public order, protection of family, health, morality or property.

118. Any person who resides legally in the Slovak Republic has the right to freely leave its territory (article 23, paragraph 2, first sentence of the Constitution). Every citizen has the right to freely enter the territory of the Slovak Republic. The citizen may not be forced to emigrate or be expelled from his homeland or be extradited to a foreign country (article 23, paragraph 4, of the Constitution of the Slovak Republic). Aliens may be expelled only in cases provided by law (article 23, paragraph 5, of the Constitution).

119. Under Act No. 381/1997 Coll. on Travel Documents and Travel Abroad as amended, every citizen of the Slovak Republic has the right to freely leave the Republic and to freely return. He may leave the country on the basis of a valid travel document of the Slovak Republic. It is issued to every citizen provided its issuance is not in conflict with the provisions of the aforesaid Act. The Act also sets out the cases where a travel document is denied or withdrawn if there is a pending decision requiring the applicant or the holder to make child support payments or to make payment of his financial commitments, if there is a pending criminal prosecution against him, or if there is a sentence of imprisonment imposed by a court pending against him unless the punishment was waived or if a statute of limitation applies to the sentence.

120. The stay of aliens in the Slovak Republic is governed by Act No. 73/1995 Coll. on the Stay of Aliens in the Slovak Republic and the Notice of the Ministry of the Interior of the Slovak Republic No. 116/1995 Coll. which stipulates the amount of financial means which an alien must possess on entering the Slovak Republic. Aliens may enter the Slovak Republic

and stay in its territory only if they have valid travel documents bearing the visas of the Slovak Republic, unless provided otherwise by international treaties which are binding on the Slovak Republic. The stay of aliens who request refugee status is governed by the Refugee Act No. 283/95 Coll.

121. In order to ensure better protection of the Slovak territory from the misuse of the Slovak Republic's visas for a purpose other than the one for which they were issued and from illegal immigration, and to minimize the problems connected with their stay in Slovakia and their leaving the country, a so-called special visa regime was introduced for the nationals of selected States, namely Albania, Bosnia and Herzegovina, the Federal Republic of Yugoslavia, Macedonia, Afghanistan, Armenia, Azerbaijan, Bangladesh, China, Georgia, the Philippines, India, Iraq, Iran, Yemen, Cambodia, Laos, Lebanon, Mongolia, Pakistan, Sri Lanka, Syria, Tajikistan, Turkey, Viet Nam and African States except for Tunisia, Mauritius and the Republic of South Africa. This regime also applies to all stateless persons carrying travel documents issued by any of the above-mentioned States and to persons with Palestinian nationality if this fact is evident from the designation or the data presented in their travel documents.

122. Although no racially discriminatory acts or conduct were recorded in the activities of members of the Border and Alien Police of the Slovak Republic, this subject is closely monitored. Great care is given to the execution of tasks in compliance with generally binding legal provisions and internal rules. Legal instruments that govern this field include: Travel Document Act of NC SR No. 381/1997 Coll., Ordinance of the Ministry of the Interior of the Slovak Republic No. 75/1997 on the activities of Border Departments of the Police Corps, Ordinance of the Ministry of the Interior of the Slovak Republic No. 73/1997 on the Alien Police, Ordinance of the Ministry of the Interior of the Slovak Republic No. 31/1997 on Setting up an Alien Police Detention Facility at Medved'ov, Ordinance of the Ministry of the Interior of the Slovak Republic No. 40/1997 on the Procedure for Placing Illegal Aliens in the Slovak Republic, Ordinance of the President of the Police Corps No. 31/1997 on the Travel Document Issuing Procedure, Methodical Guidelines of the Director of Border and Alien Police Department of the Police Corps Presidium No. 31/1997 on the issuing of travel documents and certain other norms which, directly or indirectly, regulate the tasks of police officers in relation to foreign nationals and thus to persons of different nationalities in situations where the manifestations of racial discrimination could occur.

123. In the area of migration policy the Slovak Republic acceded in 1991, still as a part of the former Czech and Slovak Federal Republic, to the Convention relating to the Status of Refugees (Geneva, 1951) and Protocol relating to the Status of Refugees (New York, 1967) whereby it gave an undertaking to provide assistance to refugees who are persecuted on racial, religious and ethnic grounds or on the ground of their belonging to a certain social group, or of holding certain political opinions. Article 1, paragraph 2, of the Geneva Convention (definition of the concept of a refugee) is directly transposed into the provisions of section 4, paragraph 8, of the Refugee Act of NC SR No. 283/1995 Coll. which entered into force on 1 January 1996. Under the Act, no person who has applied for refugee status may be extradited or returned to the borders of a country where he would face the danger of torture, inhuman treatment or the death penalty on racial, ethnic or religious grounds, or on the ground of holding certain political opinions, or belonging to a certain social group. This does not apply to persons who could be considered as

dangerous for the Slovak Republic or against whom a court has delivered a final judgement for the commission of an exceptionally serious and wilful criminal offence (section 41, paragraph 2, of the Penal Code).

124. Under provisions of section 7 of the Refugee Act, refugee status is granted to any alien who reasonably fears persecution in the State of which he is a national on racial, ethnic or religious grounds, or on the ground of holding certain political opinions, or of belonging to a certain social group and who, because of such fear, cannot or does not want to return to that State. This also applies to stateless persons who are outside of the State in which they had their last permanent residency. Concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination in connection with the implementation of the Refugee Act in Slovakia, the International Convention has been fully respected and applied in the practical implementation of the Refugee Act as evident, in particular, from its section 18 under which the granting of refugee status gives the alien a status identical with that of the citizens of the Slovak Republic unless specific regulations provide otherwise. The only exceptions are the right to vote and the obligation of military service, applicable only to the citizens of the Slovak Republic. The Migration Office applies in its work basic provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, transposed into internal legal provisions. Thus, the document "The Comprehensive Approach to the Process of Integrating Persons Granted Refugee Status into the Society", adopted by government resolution No. 105 on 6 February 1996, reflects the spirit of article 5 of the International Convention, as does the subsequent detailed adaptation of the document for the specific context of the Migration Office in the area of care for the refugees.

125. In keeping with the aforesaid resolution, the Government of the Slovak Republic approves every year the financial amount which the Ministry is allocated within its budget for financing refugee integration. The Ministry, in cooperation with other concerned sectors and NGOs, supports their job search and provides them assistance in finding employment and adequate social housing, in the teaching of the basics of Slovak, in securing or retraining, social security and health care, and in creating the conditions for their acceptance by the municipal bodies and inhabitants of the communities and locations concerned. In this general context, the Ministry exerts a positive influence on citizens by means of organizing public discussions in the presence of the refugees who are to be integrated into the community.

126. In the activities of the reception camps and of the refugee camps, effective protection from potential acts of racial discrimination is ensured through the prevention carried out by qualified staff, i.e. social workers, directly in the camps. No cases of racial discrimination against refugees during their stay in refugee camps have been recorded. Unfortunately, manifestations of intolerance among the refugees themselves are not rare; however, they have thus far been resolved directly at the place where the incident took place. The guarantee for the implementation of the International Convention in the refugee care area in the Slovak Republic by the Migration Office is represented primarily by the existing legislation in this field, as well as by the possibility of State authorities, i.e. the Ministry, to provide organizational and technical support for the activities in this area. Supervision over the observance of the Refugee Act and supervision over the fulfilment of the international undertakings of the Slovak Republic in the refugee rights area in accordance with the Convention relating to the Status of Refugees is carried out by the Office of the United Nations High Commissioner for Refugees (UNHCR).

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127. It may be stated in conclusion that, unlike the right to freely enter the Slovak Republic (article 23 of the Constitution), the right to freedom of movement and residence may be restricted by law. In comparison with the right to freely enter the territory of the Republic, which is granted only to the citizens of the Slovak Republic, the freedom of movement and residence is guaranteed to all, both Slovak nationals and aliens.

128. The June and July 1997 resolutions adopted by the self-governing authorities in the municipalities of Rokytovce and Ňagov, restricting the entry of Roma citizens to these municipalities, were rescinded on 8 April 1999.

(b) The right to a nationality

129. The right of every person to a nationality (citizenship) was laid down for the first time in article 15 of the Universal Declaration of Human Rights. Article 7 of the 1989 Convention on the Rights of the Child grants every child the right to a nationality. The principle of the right to a nationality is also enshrined in the European Convention on Nationality which is the source of formal provisions relating to the prevention of the creation of stateless persons. The Convention conceives the right to a nationality as a positive formulation of the obligation of States to adopt and practically apply such legal provisions on nationality which would prevent the creation of stateless persons. This is why the right of a person to the nationality of a specific State implies the right to change the existing nationality or acquire the nationality of another State according to one's choice, subject to the fulfilment of the conditions fixed by law.

130. Every State has its own legislation which determines the class of persons it considers as its nationals. Other States accept this legislation only if it is in harmony with the applicable international conventions and/or common law and the generally recognized legal principles.

131. The European Convention on Nationality (the Slovak Republic signed it in Strasbourg on the day it was opened for signature, i.e. 6 November 1997, upon invitation to accede to the Convention addressed to all member States of the Council of Europe by the Parliamentary Assembly of the Council of Europe) is the first comprehensive standard governing nationality after the democratic changes in central and eastern Europe. The Slovak Republic ratified the instrument on 27 May 1998.

132. A comparison of the Slovak legislation with the Convention was performed in Slovakia. Under the Act of NC SR No. 40/1993 Coll. on Citizenship of the Slovak Republic, it is possible to grant citizenship to homeless persons and refugees who have permanent residency in the territory of the Slovak Republic. The Act on Citizenship of the Slovak Republic is harmonized with the principles embodied in the European Convention on Nationality and its provisions are applied in the proceedings on citizenship.

133. Under the provisions of section 2 of the Act of NC SR No. 40/1993 Coll., citizenship of the Slovak Republic is automatically granted to every person who was a citizen of the Slovak Republic as of 31 December 1992 under the previous legislation. This recognition of citizenship is applicable only to those persons who were citizens of the common State, the Czech and Slovak Federal Republic, before its dissolution; these persons acquired the citizenship of the Slovak Republic regardless of their race, ethnicity, religion, etc. The acquired

citizenship of the Slovak Republic is equal regardless of whether it was acquired by determination, opting, birth, adoption, or whether it was granted. The acquisition of the citizenship of the Slovak Republic may not be influenced by any considerations which are deemed as discriminatory under article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

134. Under the provisions of section 3 of Act No. 40/1993 Coll., the right to the citizenship of the Slovak Republic is granted to every person who, as of 31 December 1992, was a citizen of the Czech and Slovak Federal Republic, and who did not become a citizen of the Slovak Republic by place of birth. Pursuant to section 3, paragraph 2, of the aforesaid Act, these persons had the right to opt for the citizenship of the Slovak Republic without any restriction within the time limit which expired on 31 December 1993.

135. Under the provisions of sections 4, 5 and 6 of the aforesaid Act, a child has the right to Slovak citizenship if

- The court assigned the custody of the child to only one of its parents who is a citizen of the Slovak Republic, provided the parents did not opt for the citizenship of the Slovak Republic for the child;

- At least one of its parents is a citizen of the Slovak Republic regardless of its place of birth;

- The child was born in the territory of the Slovak Republic to stateless parents;

- The child was born in the territory of the Slovak Republic to foreign nationals and did not acquire the citizenship of either of its parents by birth;

- The child was found in the territory of the Slovak Republic and its parents are not known, unless it is proved that the child acquired the citizenship of another State by birth;

- The child was born to a foreign national and a citizen of the Slovak Republic, also if it is later established that the citizen of the Slovak Republic is not its natural parent;

- The child was irrevocably adopted by an adoptive parent or adoptive parents at least one of whom is a citizen of the Slovak Republic.

136. Acquisition of the Slovak Republic's citizenship by an alien is governed by section 7 of the aforesaid Act under which citizenship can be granted to an alien upon his request subject to the fulfilment of the requirements fixed in the Act. Under this provision, citizenship of the Slovak Republic can be granted to an alien also for reasons worthy of special consideration, especially upon entering into a marriage with a citizen of the Slovak Republic, or to a person who is a former citizen of the Slovak Republic or a person who made an important contribution to the Slovak Republic in the economic, scientific, cultural or technical fields.

137. Experts of the Council of Europe recommended the Slovak and the Czech Republics to grant citizenship to all the persons who, as a result of the dissolution of the CSFR, became stateless persons de iure, and to take the necessary steps to prevent the occurrence of such cases. The Slovak Republic therefore passed a citizenship law under which it was possible for every citizen of the former CSFR who did not become the citizen of a new State to acquire its citizenship. In harmony with the recommendations, the Slovak and the Czech Republics agreed on a procedure whereby the decisions of the Slovak Republic on the release from ties to the State (the prerequisite for the granting of the Czech Republic's citizenship) were to be served. This procedure means that a person loses his Slovak citizenship only after he has been granted Czech citizenship. This applies to every person regardless of his ethnicity.

138. As regards the resolution of the citizenship issue for the citizens of the former CSFR, it is possible to use accelerated proceedings on the granting of citizenship of the Slovak Republic without requiring an uninterrupted five-year permanent residency in the territory of the Slovak Republic. This privilege, which was granted to the citizens of the former CSFR with the aim of resolving the problems of citizenship of the former common State, cannot be considered as discriminatory against other persons applying for the citizenship of the Slovak Republic within the meaning of article 5 of the European Convention on Nationality.

(c) The right to marriage and choice of spouse

139. The institution of the family is protected in the Slovak Republic under the Constitution (art. 41) which refers to a specific law for further details. The conclusion of marriage in the Slovak Republic is governed by the Family Act No. 94/1963 Coll. as amended.

140. Under sections 4 and 4a of the Act, marriage is concluded by a consensual declaration on the conclusion of a marriage given by a man and a woman before a State authority or an authority of a registered church or a religious society. The decisive fact in the conclusion of a marriage is that it is entered into on the basis of a voluntary decision of a man and a woman to live in matrimony (section 1 of the Act) regardless of race, nationality, religion, faith, etc.

141. To be able to enter into a marriage, majority is required (i.e. the person must be 18 years of age). In exceptional cases marriage can be concluded by a person who is 16 years of age. Persons below 18 years of age may enter into a marriage only with the consent of a court. No minor person of less than 16 years of age may enter into a marriage.

142. The legal system of the Slovak Republic respects the free choice of people engaged to be married to chose the form of marriage ceremony. They may conclude the marriage either before a civil or a religious authority. The man and the woman have equal rights and responsibilities in a marriage. The court may dissolve a marriage upon application for divorce filed by either spouse, provided that marital relationships are so seriously disturbed that the marriage cannot fulfil its social purpose. When the court decides about granting a divorce, it must take into account in particular the interests of minor children. The court also determines the custody of the child(ren) and the mode of child support payments by the parents.

143. As regards the conclusion of marriage with a foreign national, it is governed by sections 19 and 20 of the Act No. 97/1963 Coll. on International Private Law and the Law of

Procedure as amended. Under the Act, the ability of a person to conclude a marriage and the requirements for its validity are governed by the law of the State of which the person is a citizen, while the form of concluding the marriage is governed by the law of the State where the marriage ceremony takes place.

144. Exceptional attention is paid in Slovakia to the family policy of the State. Long-term strategic objectives are implemented in four main areas: substantive competence of the State in the area of legal protection of a family and its members; social and economic security of families; education of children and youth and their preparation for marriage and parenthood; and protection of the health of individual family members.

(d) The right to own property alone as well as in association with others and the right to inherit

145. Article 20 of the Constitution of the Slovak Republic provides that "everyone has the right to own property. Property rights of all owners shall be uniformly construed and equally protected by law. The right of inheritance is guaranteed" (para. 1). "Ownership limits. Property may not be misused to cause injury to another person or in contradiction to the public interests protected by law. The exercise of property rights must not be detrimental to the health of other people, wild life, cultural sites or the environment beyond the standards fixed by law" (para. 3). "Expropriation or restrictions on property rights shall be imposed only to the extent legally justified for the protection of the public interest and shall be justly compensated" (para. 4).

146. The right to own property is guaranteed to every person. As regards article 20, paragraph 1, the Constitutional Court of the Slovak Republic published its legal opinion as follows: "This constitutional article applies to the citizens of the Slovak Republic, foreign nationals, Slovak and foreign legal persons and the State" (PL. ÚS 38/95, Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic, 1996, Košice, CC SR 1997, p. 62). Similarly, in the case I. ÚS 59/94, the Constitutional Court ruled: "Article 20, paragraph 1, of the Constitution guarantees equal possibilities and opportunities to acquire the ownership of things ..." (Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic, 1993-1994, Košice, CC SR 1995, p. 265). "Property which is the object of protection guaranteed under article 20 of the Constitution comprises not only the things but also the titles to property and other values relating to property", the Constitutional Court determined (II. ÚS 19/97).

147. The legislation of every State contains provisions under which property sanctions may be imposed against persons guilty of unlawful conduct. The Slovak Republic's Penal Code lays down such sanctions in the form of a pecuniary sentence (fine) (sects .53 and 54), forfeiture of a thing (sects. 55 and 56), forfeiture of property (sects. 51 and 52). Obligations imposed on persons as a consequence of their unlawful conduct and involving restrictions of their rights related to the right to own property do not have the character of a restriction of property rights pursuant to article 20, paragraph 4, of the Constitution.

148. The statutory content of the property right is laid down, in general terms, in the Civil Code (sects. 123-135c); under the Code, owners have the right to hold property, use it and enjoy its fruit and benefits, and the right of disposal of the objects in their ownership. This is an

absolute right which applies to every person and which implies the obligation of other entities not to disturb the owner in the exercise of his rights. The provisions of the Civil Code guarantee every person the right to acquire property regardless of race, colour, or national or ethnic origin through purchase, a deed of donation or other agreement, inheritance, decision of a State authority, or on the basis of other circumstances fixed by law.

149. The legal institution of expropriation is laid down in the Constitution. It represents an exceptional interference with the right to own property, subject to the fulfilment of strictly defined conditions which, moreover, have a cumulative character. According to the Constitution, expropriation as well as a forced restriction of property rights are possible only to the legally justified extent and in the public interest, as defined by the law, and in return for adequate compensation. The Civil Code is a general legal instrument which lays down the statutory requirements governing expropriation (sect. 128); these requirements, just as other requirements of administrative law, must also be transposed into specific legal acts which govern the expropriation performed in the pursuance of the purpose of the legal act concerned.

150. Act No. 87/1991 Coll. on extrajudicial rehabilitation as amended mitigates the consequences of property injustices resulting from actions carried out under civil law, from administrative actions or from other unlawful procedures, subject to the requirement that they were carried out in connection with political persecution (because the person belonged to a certain social stratum). Pursuant to section 3 of the Act, natural persons may lodge restitution claims regardless of their race, colour, or ethnic origin.

151. The legislation governing the capital market (Act No. 600/1992 Coll. on Securities, Act No. 248/1992 Coll. on Investment Societies and Investment Funds, Act No. 500/1990 Coll. on Bonds, and Stock Exchange Act No. 214/1992 Coll.) embodies, like the entire legal system of the Slovak Republic, the principle of anti-discrimination and is in harmony with the Convention and other relevant international human rights instruments binding upon the Slovak Republic.

152. Inheritance is guaranteed in the Slovak Republic to every person, regardless of the size or share of the inheritance. The Constitution prohibits any restriction of this right and the Civil Code lays down specific conditions and modalities of its implementation (sects. 460-487).

(e) The right to freedom of thought, conscience and religion

153. The right to freedom of thought, conscience, religion and faith is guaranteed in the Slovak Republic. This right includes also the right to change religion or faith and the right to refrain from religious affiliation. Every person is entitled to publicly express his opinion (article 24, paragraph 1, of the Constitution). Every person has the right to express freely his own religious conviction or faith alone or in association with others, privately or publicly, by worship, religious services or ceremonies and participation in religious instruction (article 24, paragraph 2, of the Constitution).

154. Churches and ecclesiastical societies administer their own affairs by themselves and, in particular, establish their bodies, appoint their priests, organize religious instruction, and set up religious orders and other religious institutions independently of the State authorities. The

conditions for the exercise of these rights may be restricted only by law if such measure is necessary in a democratic society to protect public order, health, morality, or the rights and freedoms of other people (article 24, paragraph 3, of the Constitution).

155. The Constitutional Court laid the foundations for the emerging case-law connected with the implementation of article 24 of the Constitution of the Slovak Republic by formulating the following legal opinion: "Article 24, paragraph 1, of the Constitution guarantees every person freedom of thought, conscience, religion and faith. ... These rights have an absolute character meaning that no one can be subjected to any measure designed to change his process and way of thinking, no one can be forced to change his thought, religion or faith. The protection of these rights implies respect for their 'internal' dimension (forum interum) which excludes any coercion or influence. ... Consequently, it is not possible (or realistic) to restrict these rights by law ..." (PL.ÚS 18/95, Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic, 1995, Košice, CC SR 1996, p. 172-175).

156. Besides the Constitution, freedom of religion and faith is guaranteed in the Slovak Republic also under the Charter on Fundamental Rights and Freedoms (constitutional statute No. 23/1991 Coll., art. 16), Act No. 308/1991 Coll. on the Freedom of Religion and the Status of Churches and Religious Societies, Act No. 192/1992 Coll. on the Registration of Churches and Religious Societies.

157. The support granted by the State to registered Churches and religious societies, mainly in the form of financial subsidies and the possibility to take an active part in public life, transcends the framework of fundamental rights. Members and sympathizers of unregistered Churches are equal citizens and may freely and without prejudice exercise their religion provided they respect the legal system of the State.

158. The National Council of the Slovak Republic adopted in 1993 the Act No. 282/1993 Coll. on the Mitigation of Certain Property Injustices Done to Churches and Religious Societies. Related pieces of legislation include the statutory measure adopted by the Presidium of the National Council of the Slovak Republic No. 211/1990 Coll. on the Settlement of Property Relations between the Greek Catholic and Eastern Orthodox Churches, and the Act No. 16/1990 Coll. as amended by Act No. 522/1992 Coll. abolishing State supervision over Churches.

159. Section 236 of the Penal Code lays down the punishment connected with the restriction of the freedom of religion. Under this provision, "every person who by violence, threat of violence or threat of other serious harm forces another person to participate in a religious act, prevents without lawful authority another person from such participation, otherwise prevents another person from exercising his freedom of religion, is liable to a term of imprisonment of up to two years or to a pecuniary penalty".

160. In connection with the tasks of the Ministry of Defence of the Slovak Republic, a "Concept of Creating and Introducing Spiritual and Religious Service in the Armed Forces of the Slovak Republic" was adopted by government resolution on 29 September 1994. This service, which was introduced in 1995, organizationally falls under the competence of the Ministry of Defence and is incorporated into the Office of Military Chaplains. The introduction of spiritual

and religious services in the armed forces has had beneficial national and international implications and made it possible to organize the relationships of the defence sector with the Churches in a manner which is in harmony with the Christian traditions of our country.

(f) The right to freedom of opinion and expression

161. The right to freedom of expression and information is guaranteed under article 26 of the Constitution of the Slovak Republic. Every person has the right to express his opinions in words, writing, print, images and any other means and also to freely seek, receive and disseminate ideas and information both nationally and internationally. No approval process is required for publication of the press. Radio and television companies may be required to seek permission from governmental authorities to set up private businesses (para. 2). Censorship is prohibited (para. 3). The details of the exercise of this constitutionally guaranteed right are set out in the related legislation:

Act No. 81/1966 Coll. on periodical press and other mass media as amended

Section 1

(1) In conformity with the guaranteed freedom of expression, speech and press the citizens use periodical press and other mass media to obtain information and to publicly express their opinions.

Section 13

(2) State authorities and organizations, scientific and cultural institutions and business organizations are obliged to provide editors-in-chief and other reporters, within the scope of their competence, any information necessary for a truthful, timely and comprehensive information of the public, or give them access to such information.

(2) State authorities and organizations, scientific and cultural institutions and business organizations shall deny information or access to it if such information contains

(a) Any fact which is subject to State, business or service secrecy,

(b) Any fact whose disclosure could be proven to harm the interests of the State or the society, or

(c) Any fact whose publication is in conflict with the principles of the protection of citizens' rights.

(3) However, the authorities and organizations referred to in paragraph 2 may provide editors-in-chief and other reporters, in order to keep them informed, also such information which is not to be published. Editors-in-chief and reporters have no right to publish such information.

Section 16

(1) The citizens who exercise their constitutionally guaranteed freedoms of expression, speech and press are granted full protection under the legislation in force.

(2) The publication of information which endangers the legally protected interests of the society or of the citizens represents a misuse of the freedom of expression, speech and press.

(3) Publishers, editors-in-chief, reporters and authors assume responsibility for the protection of the society and of the citizens against any misuse of the freedom of expression, speech and press, each to the extent defined in the legislation in force. This legislation is also used to adjudicate the amount of compensation to be paid by the publisher for damage inflicted to organizations or citizens by the content of periodical press or other mass media.

Section 17

(1) Censorship is prohibited.

(2) Censorship means any interference by a State authority with the freedom of speech and images and their dissemination through mass media. This is without prejudice to the competence of public prosecutors and the courts.

Act No. 160/1997 Coll. on the Council of the Slovak Republic for Radio and Television Broadcasting and on the amendment of Act No. 468/1991 Coll. on the Operation of Radio and Television Broadcasting as amended

Section 2

(1) The mission of the Council is to enforce and promote interests of the public relating to the implementation of the right to information and freedom of expression in the field of radio and television broadcasting.

(2) The Council shall take care of the development of plurality of broadcasting and independence of its operation and support the domestic and European radio, television and audio-visual production.

(3) Where the Council performs a State administration function in the field of broadcasting, within the scope set out in this Act and other legal provisions, it has the status of a State administration authority.

Act No. 254/1991 Coll. on the Slovak Television as amended

Section 3

(1) The mission of the Slovak Television is to serve the public through the production and dissemination of programmes based on the principles of democracy, humanism, ethics, truthfulness, independence, professionalism and lawfulness.

Section 7

The Council of the Slovak Television is a body of the Slovak Television which ensures objectiveness of its programme and independence.

Section 10

The competence of the Council includes:

(c) decisions on the allocation of broadcasting time to the political parties, movements and civil associations, and on the restrictions of commercial advertisement broadcasts.

Section 14

The Slovak Television protects and respects the independence of all programme workers and the freedom of exercise of the professions of all television creators in the fulfilment of the assigned tasks.

Act No. 255/1991 Coll. on the Slovak Radio as amended

Section 3

(1) The mission of the Slovak Radio is to serve the public through the production and dissemination of programmes based on the principles of democracy, humanism, ethics, truthfulness, independence, professionalism and lawfulness.

(2) News and current affairs programmes of the Slovak radio shall ensure timely and objective information of the public and create the space for a dialogue: artistic, educational and entertainment programmes shall promote the development and dissemination of national culture, level of education and foster the spiritual and moral standard of the society.

Section 7

(1) The body of the Slovak Radio which ensures its programme objectiveness and independence is the Radio Council. The Council determines basic orientation of radio broadcasting, approves the main lines of radio operation in the area of programming and in the area of finance and technology.

Section 10

The Slovak Radio protects and respects the independence of all programme workers as well as the freedom of exercise of the professions of all radio creators in the fulfilment of their assigned tasks.

Act No. 468/1991 Coll. on Radio and Television Broadcasting as amended

Section 4

(1) The broadcasters broadcast their programmes freely and independently. Any interference with their content must be based on the law and must be within the bounds of the law.

(2) The broadcasters supply objective and balanced information necessary for free making of one's opinions.

Section 5

The broadcasters are obliged:

(a) to make sure that no programmes which are in conflict with the Constitution of the Slovak Republic will be broadcast.

Section 9

(1) The main task of ex lege broadcasters is to serve public interest, to contribute to the formation of the democratic society and to reflect the plurality of its opinions, in particular by ensuring that their broadcasts do not one-sidedly reflect only a single direction of opinions, a single religion or a single opinion of the world, the interest of a single political party, movement, group or part of the society.

Section 15

(1) The Council may withdraw the licence if:

(e) the holder of the licence seriously violates the terms of the licence, obligations set out under this Act or other general binding legal provisions.

Section 20

(1) If the Council establishes that the operator has breached the obligations set out in this Act or the terms of the licence, it will fix an appropriate time limit to remedy the violation; if the operator does not remedy the violation within the time limit, he is imposed a fine by the Council.

(2) The amount of the fine shall be fixed according to the gravity of the matter and culpability, taking into account the scope and range of broadcasting and the amount of the related improper enrichment.

(4) A fine of 5,000 to 1,000,000 SKK may be imposed upon a broadcaster who

(a) broadcasts a programme whose content is in disagreement with obligations of the broadcasters set out in Section 5 (a) and (b) of this Act *(note: it is prohibited to broadcast the programmes which are in conflict with the Constitution of the Slovak Republic, which make war propaganda or which describe cruel or otherwise inhuman acts in a manner which belittles, justifies or condones such acts).*

162. The right to freedom of expression and to seek and disseminate information may be restricted by law, if such restrictions are necessary in a democratic society to protect the rights and freedoms of others, security of the State, public order, protection of public health and morality.

(g) The right to freedom of association and assembly

163. Article 28 of the Constitution of the Slovak Republic guarantees the right to peaceful assembly. The conditions under which this right may be exercised are set out in a specific law, namely the Act No. 84/1990 Coll. on the Right of Assembly as amended. Under this Act, street manifestations and meetings are also considered as assemblies. The exercise of this right is designed to enable the citizens to enjoy the freedom of expression and other constitutional rights and freedoms, to exchange information and opinions, and to participate in the running of public and other common affairs through the expression of their attitudes and positions. No prior permission of a State authority is required to organize a meeting. This is the practical expression of the principle that anything that is not explicitly prohibited is permitted. However, the Act stipulates an obligation of the organizer of a meeting to give the competent local self-governing authority (i.e. the village or the town) prior notification about the meeting. The Act grants the subjective right of assembly not only to the citizens of the Slovak Republic but also to foreign nationals who have residency in the territory of the Slovak Republic.

164. The Act recognizes the right of municipalities exceptionally to ban or dissolve a meeting in the cases which are explicitly enumerated (in order to secure public order and protect subjective rights of the citizens). It also lays down the principle of independent judicial review of the decision of a municipality to ban a meeting, and judicial review of the justification given for the dissolution of a meeting.

165. The Act defines the types of meetings which are not subject to the notification requirement thereunder. It specifically stipulates the rights and responsibilities of the organizer of a meeting, obligations of the participants of the meeting, and the responsibilities of the municipalities. To ensure the completeness and comprehensiveness of the legislation governing the right of assembly, the Act contains also the provisions which set out the offences against this right.

166. It may be concluded that the Slovak Republic's legislation on the right of assembly is in conformity with article 5 of the International Convention and that this right of the citizens and inhabitants of the Slovak Republic is fully respected and observed in practice.

167. The same may be concluded about the right of association. Article 29 of the Constitution of the Slovak Republic guarantees the right of free association. Everyone has the right to associate freely with other persons in unions, societies and other associations. Citizens may form political parties and political movements and associate therein. Political parties and political movements, as well as unions, societies or associations are separated from the State.

168. The right of association is regulated under a special legislation, namely Act No. 83/1990 Coll. on the Association of Citizens as amended.

169. In order to establish a civil association as a legal person, i.e. in order to give it a legal personality, it must be registered with the Ministry of the Interior. The act of registration per se does not have the character of a decision reached through administrative proceedings. The Ministry of the Interior does not make the decision - it only declares, in an informal manner - the existence of a legal relationship. The registration is subsequently confirmed in the by-laws. If the objectives of a civil association are in conflict with the Constitution, international treaties or the laws, the Ministry of the Interior denies the registration by deciding on the denial through administrative proceedings. This decision may be challenged at the Supreme Court of the Slovak Republic. The judgement of the Court is binding on the Ministry of the Interior.

170. From 1990 to date, 12,500 different civil associations have been active in the Slovak Republic (in the fields of sports, youth, art, culture, charity, etc.).

171. During the above period the Ministry of the Interior denied registration only to two civil associations. The Supreme Court of the Slovak Republic upheld one of the Ministry's decisions to deny registration and reversed the other one.

172. Besides registered civil associations, there are also unofficial civil associations which did not go through the registration process and, consequently, do not have a legal personality and are not legal persons (e.g. various conservationist and environmental associations, Greenpeace, etc.).

173. The right of association of citizens in the political parties is governed by Act No. 424/1991 Coll. on Political Parties and Political Movements as amended.

174. Legislation governing this field is similar to the provisions of Act 83/1995 Coll. except that the exercise of the right of association enables the citizens to participate in the political life of the society, especially by means of the creation of legislatures and of local self-governing authorities.

175. There are currently 73 political parties and 23 political movements in the Slovak Republic.

5. Implementation of economic, social and cultural rights

(a) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

176. In the Slovak Republic, the exercise of the rights falling within the above category is guaranteed under the Constitution (chap. 5, arts. 35, 36, 38-40) and the related legislation, in particular the Employment Act of NC SR No. 387/96 Coll., Labour Code (Act No. 65/1965 Coll. as amended) and Social Security (Act No. 100/1998 Coll. as amended). The rights set out in the aforesaid legal instruments are guaranteed to all without distinction as to race, colour, language, faith and religion, political affiliation or other conviction, etc.

177. Certain rights from this category (such as the right to work) are granted only to the persons who have the citizenship of the Slovak Republic. The right to the free choice of a profession and to appropriate training, the right to do business and to engage in other gainful activities are guaranteed to all (i.e. including the aliens under specific legal acts), and the right to fair and favourable working conditions are conditional on the existence of an employment relationship. Juveniles and handicapped persons are entitled to special protection in labour relations and to assistance in vocational training and, including the women, are guaranteed the right to an enhanced health protection at work and to special working conditions.

178. Support for full and productive employment and free choice of one's profession is one of the basic objectives of economic and social policy of the Slovak Republic. The Government, in cooperation with representative organizations of employees and employers, carries out an active employment policy designed to promote job creation, support small and medium-sized businesses, organize and finance State-run retraining programmes, and it gives increased attention to the insertion of - in particular - school graduates, juveniles and long-term unemployed into the labour market.

(b) The right to form and join trade unions

179. Article 37 of the Constitution of the Slovak Republic guarantees the right to associate freely with other persons to protect their economic and social interests. Trade unions are independent of the State. There are no restrictions on the number of trade unions, and no encouragement of specific unions in certain companies.

180. The Act on Association of Citizens applies, with certain restrictions, also to t association within trade unions and employers' organizations.

181. Trade unions and employers' organizations acquire the status of legal persons as from the date which follows the day on which the Ministry of the Interior receives the proposal for their registration. There are currently 475 trade unions and employers' organizations in the Slovak Republic.

182. The provisions of the Constitution, undertakings given under international treaties binding on the Slovak Republic, and recommendations of the International Labour Organization

form also the basis of the agreement concluded between the Government, the employers and the trade unions with the common goal of preventing social tensions and attaining social peace.

(c) The right to housing

183. The proposed law on social assistance guarantees the right to elementary living needs, i.e. including the right to shelter as a minimum requirement.

184. The implementation of the State family policy includes the fulfilment of the measures which, in conformity with the Act of NC SR on the State Housing Development Fund implies, inter alia, the obligation to adopt housing development programmes (mainly for young people, people with serious disabilities, seniors over 60 years of age, socially non-adapted persons, etc.) based on a consistent subsidy, credit and taxation policy.

185. Important tasks in this area include the provision of social care through social benefits designed to prevent the socially disadvantaged citizens from having to abandon their dwellings on account of their bad economic situation. Special housing protection is granted to the socially disadvantaged groups of the population of the Slovak Republic through the system of nursing homes, shelters, etc.

186. All the above-mentioned measures are implemented without discrimination on any grounds.

(d) The right to public health, medical care, social security and social services

187. Under article 40 of the Constitution of the Slovak Republic, every person has the right to the protection of his health. More detailed legal provisions on this issue are contained in the Public Health Act No. 272/1994 Coll. The aforesaid Act defines public health as a "body of measures involving the prevention of the diseases and other health disorders and the prevention of their spreading, and in the reduction of their incidence, in the promotion of health through care for healthy living conditions, working conditions and healthy way of life, and the performance of the State health supervision".

188. On the basis of health insurance, the citizens have the right to free health care and medical equipment under the conditions fixed by law (article 40 of the Constitution of the Slovak Republic). Every citizen of the Slovak Republic, regardless of ethnic origin or race, has the right to free health care laid down in the Act No. 273/1994 Coll. on Health Insurance, Financing of Health Insurance, Creation of the General Health Insurance Agency, and Creation of Sectoral, Industry, Company and Civil Health Insurance Agencies as amended.

189. Section 3 of the aforesaid Act stipulates that all persons who have permanent residency in the territory of the Slovak Republic have mandatory health insurance. Mandatory health insurance also applies to persons who do not have permanent residency in the territory of the Slovak Republic, but who have an employment or a similar working relationship with an employer whose registered office is situated in the territory of the Slovak Republic, persons who perform self-employment activities in the territory of the Slovak Republic, and foreign nationals and Stateless persons who were granted refugee status.

190. On the basis of health insurance, insured persons are provided health care and special health care which corresponds to the type and degree of their health problems, as provided for in the Medical Treatment Act No. 98/1995 Coll. The Act sets out the conditions under which health care and medical equipment are provided on the basis of health insurance.

191. Health insurance also covers medical interventions, pharmaceutical substances contained in medications, and medical devices required by the health condition of the person and corresponding to the current level of development of the medicine and biomedicine which represent effective treatment of the health disorder and meet the requirements of efficient therapy, especially pharmacotherapy. Medical interventions which are carried out under the health insurance system are specified in the inventory of medical interventions annexed to the aforesaid Act as appendix 1. The medications which are provided under the health insurance system are specified in the inventory of medications annexed to the aforesaid Act as appendix 2. Medical devices which are provided under the health insurance system are specified in the inventory of medical devices annexed to the aforesaid Act as appendix 3.

192. The Constitution of the Slovak Republic guarantees not only the right to the protection of health and to free health care and medical devices on the basis of health insurance, but also to adequate material security in the old age and during incapacity for work, and in the death of family's breadwinner (art. 39, para. 1). Every person who suffers material hardship has the right to such assistance as may be necessary to secure his elementary living standard (art. 39, para. 2).

193. The right to social security and social services is guaranteed and actually implemented for each individual without distinction as to race, colour, national or ethnic origin.

194. The above-mentioned provisions of the Constitution are set out in more detail in the Social Security Act No. 100/1988 Coll. as amended, Act of the Slovak National Council No. 543/1990 Coll. on State Administration in Social Security as amended, Sickness Insurance Act No. 54/1956 Coll. as amended, Act No. 114/1998 Coll. on Social Security of Soldiers, and Employment Act of NC SR No. 387/1996 Coll. as amended.

195. The Social Assistance Act guarantees a consistent implementation of the constitutional right to elementary living standard. It defines "material hardship" and "social hardship" and lays down the ways of dealing with it.

(e) The right to education and training

196. Every person in the Slovak Republic has the right to education. School attendance is compulsory (article 42, paragraph 1, of the Constitution). Citizens have the right to free education in elementary and secondary schools and, depending on the abilities of the individual and the potential of the society, also in institutions of higher education (art. 42, para. 2). Freedom of scientific research and freedom of artistic expression is guaranteed. Intellectual property rights are protected by law (art. 43, para. 1). These rights are granted to all the citizens, i.e. also to persons belonging to national and ethnic minorities living in the Slovak Republic. The details of the exercise of the right to education are set out in Section 3a and Section 4, paragraph 1, of the Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools (School Act) as amended.

197. The current school system of the Slovak Republic is the outcome of an extensive reform of education and training, launched in the second half of the 1980s. Other, more extensive, changes were brought about by the amendment of the School Act (Act No. 29/1984 Coll. as amended and supplemented) and by the adoption of a new University Act (Act No. 172/1990 as amended and supplemented).

198. The amendment of the School Act increased the differentiation and diversification of education and training, introduced several alternative curricula at elementary schools, established eight-year gymnasia, developed private and parochial schools, etc. This made it possible to improve the conditions for the exercise of certain fundamental human rights - right to the choice of the type of school by the child's parents and the right to education which better meets individual abilities and interests of children. Another contributing factor was a certain relaxation of access to secondary schools and universities, and introduction of the possibility to seek admission to several secondary schools or universities at the same time, and admission of pupils to certain branches of studies at secondary schools or universities without the requirement of passing admission examinations subject to the fulfilment of certain conditions. The newly introduced religious instruction enhanced the implementation of the right to freedom of religion.

199. Besides the practical implementation of the amended School Act, two major legislative measures, closely connected with education and training, were introduced:

- Act of NC SR No. 279/1993 Coll. on School Establishments,

- Notice of Ministry of Education and Instruction of the Slovak Republic No. 222/1993 Coll. on Professional and Pedagogical Qualifications of Educational Staff.

E. Article 6. Protection against any acts of racial discrimination

200. Criminal legislation of the Slovak Republic provides consistent protection against the acts of racial discrimination by declaring as punishable the criminal offences of violence against a group of inhabitants (section 196 of the Penal Code), defamation of a nation, race and conviction (sect. 198), incitement to ethnic and racial hatred (sect. 198a), genocide (sect. 259) and support for and propagation of movements leading to the suppression of rights and freedoms of citizens (sects. 260, 261).

201. Pursuant to the above special provisions of the Penal Code, protection is granted to every nation and every race, regardless of whether persons belonging to it live in the territory of the Slovak Republic or outside of its territory.

202. It is also possible to qualify as racially motivated the offences of public disturbance, section 202, paragraph 1; murder, section 219; wilful infliction of bodily injury, sections 221 and 222; restriction of personal freedom, section 231; breaching the inviolability of one's home, section 238; and damage to a thing belonging to another, section 257 of the Penal Code. In the practice of the courts, racially motivated criminal offences of the disruption of public order and damage to a thing belonging to another usually involve damage caused to Jewish cemeteries.

203. The Police Corps strictly enforces the existing criminal legislation to prosecute all criminal activities, including racially motivated attacks. However, it is often difficult to prove a racial motive as this requires that the intent of the offender be proven; usually, the two parties make conflicting allegations and there are a number of overlapping motivations. The cases where the intensity or consequences of the attacks do not warrant bringing criminal charges are qualified as misdemeanours.

204. As regards police detection and investigation, no case was detected or proved of a police authority refusing to take a witness's testimony on record, urging a victim to withdraw the charges, or refusing to disclose a concrete description of the victim's injuries. If any such conduct were proved, it would be qualified as an offence of misusing the powers of a public official pursuant to section 158 of the Penal Code. An internal control system operates within the Ministry of the Interior of the Slovak Republic at two levels - the level of supervision performed by superior units in accordance with the rules of subordination, and at the level of special units: the Control Office and the Inspection Service Office of the Ministry of the Interior of the Slovak Republic. This system guarantees the investigation of contentious cases and is considered to be adequate.

205. The Police Corps attaches increasingly close attention to racially motivated attacks. Thus, since February 1997, the situation has been systematically monitored (the conflict between the Roma, the skinheads and the Antifa movement) in the town of Prievidza. The Ministry of the Interior does not consider it appropriate to set up a new independent investigation authority to systematically investigate incidents motivated by racial or ethnic intolerance. The current criminal proceedings system offers sufficient guarantees of impartial and objective detection, investigation and adjudication of criminal offences. The Ministry of the Interior has received no information alleging a passive attitude of the judicial bodies towards violent acts committed against the Roma and towards the conflicts among population groups.

206. Identification of racial motives in individual criminal offences was made possible also by the introduction of the statistical reporting system by the Ministry of Justice at the beginning of 1996. Statistical data obtained in this way indicate that, during the last two years, a total of 97 persons were finally convicted by Slovak courts for such offences, 46 of them in 1996 and 53 in 1997.

Table 1. Number of persons convicted of racially motivated criminal offences

	1996	1997	1998
Public disturbance	13	15	16
Murder	1	3	2
Bodily harm	20	12	2
Bodily harm (serious injury)	6	4	3
Restriction of personal freedom	0	2	0
Breaching inviolability of the home	6	14	0
Damage to a thing belonging to another	0	1	0

Source: Statistics of the Ministry of Justice, 1998

207. A different situation exists as regards criminal offences which are qualified as racially motivated directly in the relevant provisions of the Penal Code, as evident from the number of finally convicted persons.

Table 2. Number of persons convicted of racially motivated criminal offences

	1996	1997	1998
Violence against a group of inhabitants or individuals	0	1	1
Defamation of a nation, race or confession	1	0	0
Incitement to ethnic or racial hatred	0	0	0
Support for and propagation of movements leading to the suppression of rights and freedoms of citizens	2	0	0
Support for and propagation of movements leading to the suppression of rights and freedoms of citizens (public expression)	1	16	2

Source: Statistics of the Ministry of Justice, 1998

208. In both the above categories of criminal offences the courts of the Slovak Republic usually delivered suspended sentences of imprisonment.

209. As regards the legislation which governs custody (Act No. 156/93 Coll. on Execution of Imprisonment Sentences as amended and other internal rules on the conditions of custody and of the sentence of imprisonment), it respects standard rules of the treatment of inmates and the European Prison Rules according to which the treatment of imprisoned persons must be impartial and without distinction as to colour, race, religion and political affiliation, ethnic and social origin, sex, etc.

210. The above survey indicates that the courts of the Slovak Republic apply the relevant legislation to actively punish all criminal offences motivated by racial, ethnic and national intolerance, thus fulfilling the commitment given in connection with Article 6 of the Convention.

F. Article 7. Measures adopted in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination

211. In the field of education to combat discrimination, the Ministry of Justice adopted and implemented specific measures in the area of judicial training, the training of persons who come into contact with persons in custody and serving prison sentences, and among persons serving a prison sentence. This is an ongoing task and the Ministry's reports on its fulfilment are also supported by statistical information on the development of crime in the above-mentioned field.

212. The departments of the Police Corps of the Ministry of the Interior of the Slovak Republic take preventive measures leading to the elimination of racially motivated criminal activities in the areas with an increased incidence of such activities (in particular Prievidza, Košice). In these areas, conflicts break out, especially between the Roma and members of the skinhead movement. In this respect, mention should be made of the implementation of

government resolution No. 389/1996; under this resolution, the position of officers for youth was set up within all organizational levels of the Police Corps and criminal police departments. The job description includes the detection of crime, including extremism, committed by young people and by different problem groups of young people, such as members of the skinhead movement. A positive mention should be made of international cooperation, especially with the Czech Republic in the form of border meetings. Information on the skinhead movements is exchanged in order to prevent situations which might result in public disturbances, damage to property and, in particular, unlawful racially motivated acts.

213. The Ministry of Education introduced the subject of ethics education into the curricula of elementary and secondary schools as an alternative subject to religious education. The objective of both subjects is, inter alia, to teach pupils to accept other persons, to cooperate with them, and to teach them pro-social values and the corresponding behaviours. The syllabi are designed to pursue this objective by using experiential psychological and pedagogical methods which, step by step, lead pupils and students to adopting such attitudes, and to subsequently applying them in individual areas of life activities. Essential components of ethics education include dialogue and partner relationships. Positive educational effects are achieved also by means of environmental education, incorporated into several subjects and extracurricular activities, such as participation in environmental movements (e.g. the Tree of Life and others).

214. Certain themes relating to human rights and education for citizenship are incorporated into the subjects of Civics Education and Theory of Society. Because these are new elements in the education process, both in terms of overall purpose and content, they are being introduced also through a number of projects - a Human Rights Department was set up within Comenius University in Bratislava to retrain the secondary school teachers in the area of human rights; another project, entitled "Human rights in schools", is designed for elementary and secondary school teachers and is intended to convey fundamental information on the methods of human rights education; a UNESCO-supported project, "Youth for tolerance", is designed for young people, in all types of schools. The first publication, ALIEN, dealing with the issues of combating racism and intolerance and designed especially for young people appeared in 1994. In the context of 1995 - the International Year of Tolerance - a calendar of the events of the Council of Youth of Slovakia, Centre for International Exchanges of Children and Youth, and other youth organizations was prepared.

215. The Ministry of Education issued organizational guidelines for the 1997/98 school year which contain the task to focus on the elimination of manifestations of racism among pupils, with a special focus on Roma youth. With a view to increasing the effectiveness of the suppression of racial intolerance, the syllabi for the subject of civics in grades six through nine of elementary schools will be expanded to increase the emphasis on education in human rights.

216. International military and humanitarian law is taught at the military academies in the Slovak Republic; a training base for peacekeeping forces was set up at Nitra to train the troops to be deployed in the international peacekeeping missions to perform their tasks properly during those missions.

III. CONCLUSION

217. Following the September 1998 elections, the new Slovak Government set up a new post of Deputy Prime Minister of the Slovak Republic on Human Rights, National Minorities and Regional Development. A department with an identical mission was created within the National Council of the Slovak Republic. The Slovak Republic does not have an institutionalized form of protection against discrimination which would meet the requirements of the International Convention for the Elimination of All Forms of Racial Discrimination.

218. In conformity with its programme, the Government of the Slovak Republic views the democratic State governed by the rule of law as a State whose legal system and system of application of the law give all citizens equal access to the rights and freedoms guaranteed under the Constitution of the Slovak Republic and international human rights instruments. It is committed to developing a legal framework which will prevent the emergence of various forms of discrimination and exclusion of larger groups of citizens from the civilized environment. In conformity with the Constitution of the Slovak Republic, the Government does not accept any form of racial or ethnic intolerance. No citizen may suffer detriment because of belonging to a national minority or ethnic group. Based on the decision of the Minister of the Interior, no information about the ethnicity of criminal offenders is given in the reported data.

219. Extensive efforts at the recodification of civil and criminal law, which are currently under way in the Slovak Republic, take into account the criteria set out in the International Convention on the Elimination of All Forms of Racial Discrimination. The Government of the Slovak Republic is committed to introducing the necessary legislative changes within its term of office with a view to putting in place adequate legislation sustainable in the long term.

220. On 3 November 1998 the Government of the Slovak Republic issued a public statement whereby it declared its readiness to take the necessary steps to restore the confidence of all ethnic groups in the governmental institutions which are designed to serve as a source of assistance and protection of the rights of citizens of the Slovak Republic. The statement also confirmed the determination of the Government to implement specific measures designed to deal with the complicated problems faced by the Roma fellow citizens in all the fields of social and economic life and, in this direction, it is ready to conduct an open and substantive dialogue with the representatives of the Roma community. The Government of the Slovak Republic unequivocally condemns all forms and manifestations of racism and intolerance and states that it will resolutely combat any such phenomena. It has therefore urged the citizens to carefully consider their intention to seek a solution to their problems through emigration and application for asylum in other countries.

221. The Slovak Republic welcomes the possibility of an open dialogue with the Committee on the Elimination of Racial Discrimination which, thanks to the experience, knowledge and professional competence of its members, gives significant assistance to the States Members of the United Nations in achieving effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

222. The Slovak Republic has devoted great attention to the elaboration of the initial, second and third periodic reports on the Convention. In the process, the authors of the text used extensive documentation from the Committee, its recommendations and general comments which provided invaluable assistance in the preparation of the material.

223. On the occasion of the Human Rights Day and the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, the Government of the Slovak Republic adopted a declaration on 8 December 1998 in which it expressed its determination to continue to respect all the principles embodied in the Declaration and its intention to complete the building of an effective system of human rights protection in the Slovak Republic, in harmony with the objectives of a democratic State governed by the rule of law.

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